



# *The Journal* OF THE *House of Representatives*

Number 36

Thursday, April 24, 2014

The House was called to order by the Speaker at 10:30 a.m.

## Prayer

The following prayer was offered by Pastor Quincy D. Griffin of Family Worship & Praise Center of Tallahassee, upon invitation of Rep. Stafford:

Heavenly Father, first we are here to acknowledge and thank You for the many blessings You have bestowed upon us. Through these great men and women gathered here today, You have made our state an emblem of excellence that our nation respects, honors, and esteems. For this we are indeed grateful and give You praise and the utmost level of gratitude. Today, as these representatives work together to accomplish Your divine will, I pray that You release the spirit of unity, wisdom, knowledge, and understanding, which will be needed to make very difficult decisions, which we honestly believe will bless our great state. In humility, we invite Your presence knowing that Your plans are higher, wiser, and greater than we can ever imagine. We ask and petition You for Your blessing as decisions are made. Allow Your all-seeing eye to consider every person, family, business, and even our educational system as ideas, plans, and promises are made. Without Your divine wisdom and spirit to carry out the vision, we are indeed helpless. But with Your grace, omniscience, and power all things are possible.

Finally, I ask that You bless every representative here today. Grant them with Your divine favor in their lives for fulfilling Your will through this service to this state and beyond. Also, give them strength, courage, and might to face obstacles and make sound decisions that will promote the prosperity and welfare of every Floridian. Empower these agents of change by revealing to them the answers, resolutions, and tactics that will make our state the best it's ever been. In closing, I ask that You protect and cover the families of these representatives while they are away from their home. We ask all of these blessings in Your holy and matchless name. Everybody says, Amen.

The following members were recorded present:

Session Vote Sequence: 673

Speaker Weatherford in the Chair.

Yeas—118

Adkins	Broxson	Danish	Gibbons
Ahern	Caldwell	Davis	Gonzalez
Albritton	Campbell	Diaz, J.	Goodson
Antone	Castor Dentel	Diaz, M.	Grant
Artiles	Clarke-Reed	Dudley	Hager
Baxley	Clelland	Eagle	Harrell
Berman	Coley	Edwards	Hill
Beshears	Combee	Eisnagle	Holder
Bileca	Corcoran	Fitzenhagen	Hood
Boyd	Crisafulli	Fresen	Hooper
Bracy	Cruz	Fullwood	Hudson
Brodeur	Cummings	Gaetz	Hutson

Ingram	Pafford	Renuart	Stewart
Jones, M.	Passidomo	Richardson	Stone
Jones, S.	Patronis	Roberson, K.	Taylor
Kerner	Perry	Rodriguez, R.	Tobia
La Rosa	Peters	Rodriguez, J.	Torres
Lee	Pigman	Rogers	Trujillo
Magar	Pilon	Rooney	Van Zant
Mayfield	Porter	Rouson	Waldman
McBurney	Powell	Santiago	Watson, B.
McGhee	Pritchett	Saunders	Watson, C.
Metz	Raburn	Schenck	Weatherford
Moraitis	Rader	Schwartz	Williams, A.
Moskowitz	Rangel	Slosberg	Wood
Murphy	Raschein	Smith	Workman
Nelson	Raulerson	Spano	Young
Nuñez	Ray	Stafford	Zimmermann
Oliva	Reed	Stark	
O'Toole	Rehwinkel Vasilinda	Steube	

Nays—None

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The members, led by the following, pledged allegiance to the Flag: AnneMarie Russell of Crawfordville at the invitation of Rep. Beshears; Aliyah Stein of Wesley Chapel at the invitation of the Speaker; Megan Story of Apopka at the invitation of Rep. Clelland; and Matthew Wolinsky of Miami at the invitation of Rep. J. Diaz.

## House Physician

The Speaker introduced Dr. Jason Pirozzolo of Winter Garden, who served in the Clinic today upon invitation of Rep. Gaetz.

## Correction of the *Journal*

The *Journal* of April 23 was corrected and approved as corrected.

## Reports of Standing Committees and Subcommittees

### Reports of the Rules & Calendar Committee

*The Honorable Will Weatherford*  
*Speaker, House of Representatives*

April 22, 2014

*Dear Mr. Speaker:*

Your Rules & Calendar Committee herewith submits the Special Order for Thursday, April 24, 2014. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HB 7181 - State Affairs Committee, Boyd, & others  
Public Retirement Plans

HB 117 - Ray, Davis, & others  
Public Retirement Plans

CS/CS/HB 7051 - Regulatory Affairs Committee, Agriculture &  
Natural Resources Appropriations Subcommittee, & others  
Department of Agriculture and Consumer Services

CS/HB 7147 - Regulatory Affairs Committee, Energy & Utilities  
Subcommittee, & others  
Department of Agriculture and Consumer Services

CS/CS/HB 343 - Economic Affairs Committee, Transportation &  
Highway Safety Subcommittee, & others  
Rental Car Surcharge

CS/CS/HB 7055 - Judiciary Committee, Justice Appropriations  
Subcommittee, & others  
Juvenile Justice

CS/CS/HB 797 - Finance & Tax Subcommittee, Civil Justice  
Subcommittee, & others  
Clerks of Court

CS/HB 863 - Transportation & Highway Safety Subcommittee,  
Kerner, & others  
Motor Vehicle Crash Reports

CS/CS/CS/HB 865 - Economic Affairs Committee, Government  
Operations Subcommittee, & others  
Pub. Rec./Motor Vehicle Crash Reports

CS/CS/CS/HB 807 - Judiciary Committee, Business & Professional  
Regulation Subcommittee, & others  
Residential Properties

CS/CS/HB 1089 - Regulatory Affairs Committee, Insurance &  
Banking Subcommittee, & others  
Citizens Property Insurance Corporation

CS/CS/HB 1109 - Regulatory Affairs Committee, Insurance &  
Banking Subcommittee, & others  
Property Insurance

CS/CS/HB 7037 - Judiciary Committee, Business & Professional  
Regulation Subcommittee, & others  
Residential Communities

CS/CS/HB 1363 - State Affairs Committee, Agriculture & Natural  
Resources Subcommittee, & others  
Vessel Safety

CS/HB 3531 - Civil Justice Subcommittee, Gibbons  
Relief/Ronald Miller/City of Hollywood

HB 3529 - Raburn  
Relief/Carl Abbott/Palm Beach County School District

HB 3519 - Santiago  
Relief/Monica Cantillo Acosta & Luis Alberto Cantillo Acosta/  
Miami-Dade County

CS/HB 227 - Criminal Justice Subcommittee, Kerner, & others  
Victims of Wrongful Incarceration

CS/CS/CS/HB 989 - Judiciary Committee, Justice Appropriations  
Subcommittee, & others  
Human Trafficking

CS/CS/CS/HB 487 - Appropriations Committee, Agriculture &  
Natural Resources Subcommittee, & others  
Agricultural Industry Certifications

HB 7171 - State Affairs Committee, Brodeur  
Ratification of Rules/Department of Environmental Protection

CS/CS/HB 811 - Appropriations Committee, Government Operations  
Subcommittee, & others  
Foreign Investments

CS/HB 7095 - Appropriations Committee, Economic Affairs  
Committee, & others  
Professional Sports Facilities Incentive Application Process

HB 799 - Magar  
Transitional Living Facilities

CS/CS/CS/HB 819 - Health & Human Services Committee, Health  
Care Appropriations Subcommittee, & others  
Department of Health

CS/CS/HB 1131 - Health & Human Services Committee, Health  
Quality Subcommittee, & others  
Emergency Allergy Treatment

CS/CS/HB 1179 - Health & Human Services Committee, Health  
Innovation Subcommittee, & others  
Home Health Care

CS/CS/HB 7113 - Health & Human Services Committee, Health Care  
Appropriations Subcommittee, & others  
Health Care

CS for CS for SB 248 - Appropriations, Health Policy, & others  
Assisted Living Facilities

CS/CS/CS/HB 573 - Health & Human Services Committee, Health  
Care Appropriations Subcommittee, & others  
Health of Residents

CS/HB 1065 - Health Quality Subcommittee, Kerner, & others  
Licensed Massage Therapists

CS/HB 7157 - Appropriations Committee, Health & Human Services  
Committee, & others  
State Group Insurance Program

CS/HB 323 - Health & Human Services Committee, La Rosa, &  
others  
Pharmacy Technicians

CS/CS/HB 1053 - Education Committee, Higher Education &  
Workforce Subcommittee, & others  
Teacher Education

CS/HB 515 - Appropriations Committee, Smith, & others  
Public Assistance Fraud

CS/HB 7105 - Health & Human Services Committee, Rulemaking  
Oversight & Repeal Subcommittee, & others  
Health Care Services Rulemaking

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
Robert C. Schenck, Chair  
Rules & Calendar Committee

On motion by Rep. Schenck, the above report was adopted.

### Expedited Local Bill Calendar Procedure

*The Honorable Will Weatherford*  
*Speaker, Florida House of Representatives*

April 23, 2014

*Dear Mr. Speaker,*

The following report is submitted for the purpose of outlining a procedure for the Expedited Local Bill Calendar, Section I of the Special Order for April 25, 2014. For purposes of these procedures, "Expedited Local Bill Calendar" refers to the section of the Special Order Calendar reserved for the expedited consideration of local bills.

1. The Speaker will take up each bill in the order it appears on the Expedited Local Bill Calendar. Bill numbers will not appear on the board, since House action moves too fast.
2. Removal of a specific bill from the Expedited Local Bill Calendar requires notice by five members received during consideration of the bill. The notice may be presented by a raising of hands during the reading of the bill, or in written form delivered to the Chair of the Rules & Calendar Committee prior to the reading of the bill. Any bill removed from the Expedited Local Bill Calendar will be placed at the end of the next section of the Special Order Calendar for that day.
3. Without separate motions, each local bill will be read a second and third time by title, and the Speaker will announce, "Pass the bill on the motion of (bill sponsor)."
4. Floor amendments to a local bill must be timely filed in accordance with Rule 12.2. A local bill amendment form signed by the delegation chair explaining the necessity for the amendment must also be delivered to the Local & Federal Affairs Committee at the same time. Any bill with a properly filed amendment accompanied by a signed local bill amendment form will be removed from the Expedited Local Bill Calendar, and the bill and the amendment will be placed at the end of the next section of the Special Order Calendar.
5. Without objection, a single roll call vote will be taken at the conclusion of the reading of all of the local bills on the Expedited Local Bill Calendar.

- Because a "no" vote would be cast for every bill on the local roll call, a Member wishing to vote against a specific bill or bills should do so by filing a "Nay Vote – Local Bills" form with the Clerk. The forms may be obtained at the Clerk's desk.

6. Adoption of this procedure constitutes consent on the part of the House to a blanket motion to waive the Rules and allow each bill to be read twice by title on the same day.

Adoption of this procedure requires a 2/3 vote of the members present and voting.

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
Robert C. Schenck, Chair  
Rules & Calendar Committee

On motion by Rep. Schenck, the above Local Bill procedure was adopted by the required two-thirds vote.

### Bills and Joint Resolutions on Third Reading

**CS/CS/HB 773**—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising and providing definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of commission proceedings; amending s. 548.006, F.S.; clarifying the jurisdiction of the commission over certain amateur and professional matches; amending s. 548.007, F.S.; revising the applicability of chapter 548, F.S.; repealing s. 548.013, F.S., relating to a requirement that foreign copromoters be licensed; amending s. 548.014, F.S.; conforming provisions to changes made by the act; repealing s. 548.015, F.S., relating to the authority of the commission to require a concessionaire to file a form of security with the commission; amending s. 548.017, F.S.; deleting a requirement for the licensure of concessionaires and booking agents; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.052, F.S.; revising requirements for providing an advance payment or loan against a purse to a participant; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; revising the calculation of gross receipts; authorizing a promoter to issue a specified amount of complimentary tickets that are not included in gross receipts; requiring authorization from the commission to issue complimentary tickets that are not included in gross receipts in an amount greater than a specified amount; providing application requirements and procedures; providing that certain promoters are not required to report specified information; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.066, F.S.; conforming a provision to changes made by the act; amending s. 548.07, F.S.; revising the procedure for suspension of licensure; amending s. 548.073, F.S.; requiring that commission hearings be held in accordance with the Administrative Procedure Act; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 674

Speaker Weatherford in the Chair.

Yeas—118

Adkins	Davis	Jones, S.	Pritchett
Ahern	Diaz, J.	Kerner	Raburn
Albritton	Diaz, M.	La Rosa	Rader
Antone	Dudley	Lee	Rangel
Artiles	Eagle	Magar	Raschein
Baxley	Edwards	Mayfield	Raulerson
Berman	Eisnaugle	McBurney	Ray
Beshears	Fitzenhagen	McGhee	Reed
Bileca	Fresen	Metz	Rehwinkel Vasilinda
Boyd	Fullwood	Moraitis	Renuart
Bracy	Gaetz	Moskowitz	Richardson
Brodeur	Gibbons	Murphy	Roberson, K.
Broxson	Gonzalez	Nelson	Rodriguez, R.
Caldwell	Goodson	Nuñez	Rodriguez, J.
Campbell	Grant	Oliva	Rogers
Castor Dentel	Hager	O'Toole	Rooney
Clarke-Reed	Harrell	Pafford	Rouson
Clelland	Hill	Passidomo	Santiago
Coley	Holder	Patronis	Saunders
Combee	Hood	Perry	Schenck
Corcoran	Hooper	Peters	Schwartz
Crisafulli	Hudson	Pigman	Slosberg
Cruz	Hutson	Pilon	Smith
Cummings	Ingram	Porter	Spano
Danish	Jones, M.	Powell	Stafford

Stark	Tobia	Watson, B.	Workman
Steube	Torres	Watson, C.	Young
Stewart	Trujillo	Weatherford	Zimmermann
Stone	Van Zant	Williams, A.	
Taylor	Waldman	Wood	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

**CS/CS/CS/HB 775**—A bill to be entitled An act relating to public records; creating s. 548.062, F.S.; providing an exemption from public records requirements for proprietary confidential business information in reports required to be filed with the Florida State Boxing Commission by a promoter or obtained by the commission through an audit of a promoter's books and records; defining the term "proprietary confidential business information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 675

Speaker Weatherford in the Chair.

Yeas—105

Adkins	Edwards	Metz	Rogers
Ahern	Eisnaugle	Moraitis	Rooney
Albritton	Fitzenhagen	Moskowitz	Rouson
Artiles	Fresen	Murphy	Santiago
Baxley	Fullwood	Nelson	Schenck
Berman	Gibbons	Núñez	Slosberg
Beshears	Gonzalez	Oliva	Smith
Bileca	Goodson	O'Toole	Spano
Boyd	Grant	Passidomo	Stark
Brodeur	Hager	Patronis	Steube
Broxson	Harrell	Perry	Stewart
Caldwell	Hill	Pigman	Stone
Campbell	Holder	Pilon	Taylor
Clarke-Reed	Hood	Porter	Tobia
Clelland	Hooper	Powell	Torres
Coley	Hudson	Pritchett	Trujillo
Combee	Hutson	Rabum	Van Zant
Corcoran	Ingram	Rader	Waldman
Crisafulli	Jones, M.	Rangel	Watson, C.
Cruz	Jones, S.	Raschein	Weatherford
Cummings	Kerner	Raulerson	Williams, A.
Danish	La Rosa	Ray	Wood
Davis	Lee	Reed	Workman
Diaz, J.	Magar	Renuart	Young
Diaz, M.	Mayfield	Richardson	
Dudley	McBurney	Roberson, K.	
Eagle	McGhee	Rodriguez, R.	

Nays—12

Antone	Gaetz	Rodríguez, J.	Stafford
Bracy	Pafford	Saunders	Watson, B.
Castor Dentel	Rehwinkel Vasilinda	Schwartz	Zimmermann

Votes after roll call:

Yeas—Peters

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

**CS/CS/HB 479**—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing definitions; conforming a cross-reference; creating s. 397.487, F.S.; providing legislative findings; requiring the Department of Children and Families to create a voluntary certification program for recovery residences; requiring the department to approve credentialing entities to develop and administer the certification program; requiring an approved credentialing entity to establish a process for certifying recovery residences that meet certain qualifications; requiring an approved

credentialing entity to establish certain fees; requiring a credentialing entity to conduct onsite inspections of a recovery residence; requiring background screening of employees and volunteers of a recovery residence; providing for denial, suspension, or revocation of certification; providing a criminal penalty for advertising a recovery residence as a "certified recovery residence" unless certified; creating s. 397.4871, F.S.; providing legislative intent; requiring the department to create a voluntary certification program for recovery residence administrators; authorizing the department to approve credentialing entities to develop and administer the certification program; requiring an approved credentialing entity to establish a process for certifying recovery residence administrators who meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring background screening of applicants for recovery residence administrator certification; providing for suspension or revocation of certification; providing a criminal penalty for advertising oneself as a "certified recovery residence administrator" unless certified; creating s. 397.4872, F.S.; providing exemptions from disqualifying offenses; requiring credentialing entities to provide the department with a list of all certified recovery residences and recovery residence administrators by a date certain; requiring the department to publish the list on its website; allowing recovery residences and recovery residence administrators to be excluded from the list; amending s. 397.407, F.S.; providing conditions for a licensed service provider to refer patients to certified recovery residences or recovery residences owned and operated by the licensed service provider; defining the term "refer"; amending ss. 212.055, 394.9085, 397.405, 397.416, and 440.102, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

Representative Harrell offered the following:

(Amendment Bar Code: 135649)

**Amendment 1 (with title amendment)**—Remove lines 158-206 and insert:

employees of a recovery residence pass a level 2 background screening as provided in s. 435.04. The employee's fingerprints must be submitted by the department, an entity, or a vendor as authorized by s. 943.053(13)(a). The fingerprints shall be forwarded to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing. Fees for state and national fingerprint processing shall be borne by the employer or employee. The department shall screen background results to determine whether an employee meets certification requirements.

(6) A credentialing entity shall issue a certificate of compliance upon approval of the recovery residence's application and inspection. The certification shall automatically terminate if not renewed within 1 year after the date of issuance.

(7) A credentialing entity shall deny a recovery residence's application for certification, and may suspend or revoke a certification, if the recovery residence:

(a) Is not in compliance with any provision of this section;

(b) Has failed to remedy any deficiency identified by the credentialing entity within the time period specified;

(c) Provided false, misleading, or incomplete information to the credentialing entity; or

(d) Has employees who are subject to the disqualifying offenses set forth in s. 435.04(2), unless an exemption has been provided under s. 397.4872.

(8) It is unlawful for a person to advertise to the public, in any way or by any medium whatsoever, any recovery residence as a "certified recovery residence" unless such recovery residence has first secured a certificate of compliance under this section. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Section 397.4871, Florida Statutes, is created to read:  
397.4871 Recovery residence administrator certification.—

(1) It is the intent of the Legislature that a recovery residence administrator voluntarily earn and maintain certification from a credentialing entity approved by the Department of Children and Families. The Legislature further intends that certification ensure that an administrator has the competencies necessary to appropriately respond to the needs of residents, to maintain residence standards, and to meet residence certification requirements.

(2) The department shall approve at least one credentialing entity by December 1, 2014, for the purpose of developing and administering a volunteer credentialing program for administrators. The department shall approve any credentialing entity that the department endorses pursuant to s. 397.321(16) if the credentialing entity also meets the requirements of this section. The approved

#### TITLE AMENDMENT

Remove lines 16-25 and insert:

background screening of employees of a recovery residence; providing for denial, suspension, or revocation of certification; providing a criminal penalty for advertising a recovery residence as a "certified recovery residence" unless certified; creating s. 397.4871, F.S.; providing legislative intent; requiring the department to create a voluntary certification program for recovery residence administrators; directing the department to approve at least one credentialing entity by a specified date to develop and administer the

Rep. Harrell moved the adoption of the amendment.

#### THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which was adopted by the required two-thirds vote.

The question recurred on the passage of **CS/CS/HB 479**. The vote was:

Session Vote Sequence: 676

Representative Coley in the Chair.

Yeas—117

Adkins	Edwards	Moskowitz	Rooney
Ahern	Eisnagle	Murphy	Rouson
Albritton	Fitzenhagen	Nelson	Santiago
Antone	Fresen	Núñez	Saunders
Artiles	Fullwood	Oliva	Schenck
Baxley	Gaetz	O'Toole	Schwartz
Berman	Gibbons	Pafford	Slosberg
Beshears	Gonzalez	Passidomo	Smith
Bileca	Goodson	Patronis	Spano
Boyd	Grant	Perry	Stafford
Bracy	Hager	Peters	Stark
Brodeur	Harrell	Pigman	Steube
Broxson	Hill	Pilon	Stewart
Caldwell	Holder	Porter	Stone
Campbell	Hood	Powell	Taylor
Castor Dentel	Hooper	Pritchett	Torres
Clarke-Reed	Hudson	Raburn	Trujillo
Clelland	Hutson	Rader	Van Zant
Coley	Ingram	Rangel	Waldman
Combee	Jones, M.	Raschein	Watson, B.
Corcoran	Jones, S.	Raulerson	Watson, C.
Crisafulli	Kerner	Ray	Weatherford
Cruz	La Rosa	Reed	Williams, A.
Cummings	Lee	Rehwinkel Vasilinda	Wood
Danish	Magar	Renuart	Workman
Davis	Mayfield	Richardson	Young
Diaz, J.	McBurney	Roberson, K.	Zimmermann
Diaz, M.	McGhee	Rodriguez, R.	
Dudley	Metz	Rodriguez, J.	
Eagle	Moraitis	Rogers	

Nays—1

Tobia

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**CS/CS/HB 561**—A bill to be entitled An act relating to attorneys for dependent children with special needs; creating s. 39.01305, F.S.; providing legislative findings and intent; defining the term "dependent child"; requiring appointment of an attorney to represent a dependent child who meets one or more specified criteria; requiring that, if one is available, an attorney who is willing to represent a child without additional compensation be appointed; requiring that the appointment be in writing; requiring that the appointment continue in effect until the attorney is allowed to withdraw or is discharged by the court or until the case is dismissed; requiring that an attorney not acting in a pro bono capacity be adequately compensated for his or her services and have access to funding for certain costs; providing for financial oversight by the Justice Administrative Commission; providing a limit on attorney fees; requiring the Department of Children and Families to develop procedures to identify dependent children who qualify for an attorney; providing rulemaking authority; providing applicability; providing an effective date.

—was read the third time by title.

Representative Fresen offered the following:

(Amendment Bar Code: 220335)

**Amendment 2**—Remove line 105 and insert:  
may not exceed \$1,000 per child per year.

Rep. Fresen moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of **CS/CS/HB 561**. The vote was:

Session Vote Sequence: 677

Representative Coley in the Chair.

Yeas—118

Adkins	Edwards	Moskowitz	Rooney
Ahern	Eisnagle	Murphy	Rouson
Albritton	Fitzenhagen	Nelson	Santiago
Antone	Fresen	Núñez	Saunders
Artiles	Fullwood	Oliva	Schenck
Baxley	Gaetz	O'Toole	Schwartz
Berman	Gibbons	Pafford	Slosberg
Beshears	Gonzalez	Passidomo	Smith
Bileca	Goodson	Patronis	Spano
Boyd	Grant	Perry	Stafford
Bracy	Hager	Peters	Stark
Brodeur	Harrell	Pigman	Steube
Broxson	Hill	Pilon	Stewart
Caldwell	Holder	Porter	Stone
Campbell	Hood	Powell	Taylor
Castor Dentel	Hooper	Pritchett	Tobia
Clarke-Reed	Hudson	Raburn	Torres
Clelland	Hutson	Rader	Trujillo
Coley	Ingram	Rangel	Van Zant
Combee	Jones, M.	Raschein	Waldman
Corcoran	Jones, S.	Raulerson	Watson, B.
Crisafulli	Kerner	Ray	Watson, C.
Cruz	La Rosa	Reed	Weatherford
Cummings	Lee	Rehwinkel Vasilinda	Williams, A.
Danish	Magar	Renuart	Wood
Davis	Mayfield	Richardson	Workman
Diaz, J.	McBurney	Roberson, K.	Young
Diaz, M.	McGhee	Rodriguez, R.	Zimmermann
Dudley	Metz	Rodriguez, J.	
Eagle	Moraitis	Rogers	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**CS/HB 7023**—A bill to be entitled An act relating to economic development; amending s. 163.3180, F.S.; prohibiting a local government from applying transportation concurrency or requiring proportionate-share contribution or construction for a new business development for a specified period; providing exceptions; amending s. 163.31801, F.S.; prohibiting a county, municipality, or special district from imposing certain new or existing impact fees on a new business development for a specified period; providing exceptions; amending s. 163.3202, F.S.; requiring each county and municipality to adopt or amend and enforce certain land development regulations within a specified period after submitting a comprehensive plan; amending s. 212.098, F.S.; providing a sales tax refund for purchases of electricity by certain eligible businesses; providing an annual cap on the total amount of tax refunds that may be approved; authorizing the Department of Revenue to adopt rules; amending s. 288.0001, F.S.; requiring the Office Of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide an analysis of the New Markets Development Program to the Governor and Legislature within a specified period and periodically thereafter; amending s. 288.005, F.S.; providing definitions; creating s. 288.006, F.S.; providing legislative intent; restricting the use of loan program funds; providing for the reversion of appropriated funds in the event of a termination of a loan program or loan program contract; requiring eligible recipients and loan administrators to avoid potential conflicts of interest; defining the term "immediate family"; providing additional eligibility requirements for eligible recipients and loan administrator applicants; authorizing the Auditor General to conduct audits; authorizing the Department of Economic Opportunity to adopt rules; amending s. 288.018, F.S.; increasing the maximum grant amount that an organization may receive from the department under the Regional Rural Development Grants Program; renaming a "rural area of critical economic concern" as a "rural area of opportunity"; amending s. 288.987, F.S.; increasing the amount of funds that may be spent on staffing and administrative expenses of the Florida Defense Support Task Force; amending s. 290.0411, F.S.; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; requiring the department to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; revising the criteria for the award of grants; amending s. 290.046, F.S.; revising limits on the number of grants that an applicant may apply for and receive; requiring the department to conduct a site visit before awarding a grant; requiring the department to rank applications according to criteria established by rule and distribute funds according to the rankings; revising scoring factors to consider in ranking applications; revising requirements for public hearings; providing that the creation of a citizen advisory task force is discretionary; deleting a provision requiring a local government to obtain department consent for an alternative citizen participation plan; amending s. 290.047, F.S.; revising the maximum percentages and amounts of block grant funds that may be spent on certain costs and expenses; amending s. 290.0475, F.S.; conforming provisions to changes made by the act; correcting a reference; amending s. 290.048, F.S.; deleting a provision authorizing the department to adopt and enforce strict requirements concerning an applicant's written description of a service area; amending s. 331.3051, F.S.; requiring Space Florida to consult with the Florida Tourism Industry Marketing Corporation in developing a space tourism marketing plan; authorizing Space Florida to enter into an agreement with the corporation for a specified purpose; revising the research and development duties of Space Florida; amending s. 443.1116, F.S.; defining the term "employer-sponsored training"; revising components required for approval of a short-time compensation plan; revising eligibility requirements for short-time compensation benefits; amending s. 443.141, F.S.; providing an employer payment schedule for contributions to the Unemployment Compensation Trust Fund; providing for applicability; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural

areas of critical economic concern" as "rural areas of opportunity"; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 678

Representative Coley in the Chair.

Yeas—104

Adkins	Diaz, M.	Mayfield	Richardson
Ahern	Dudley	McBurney	Roberson, K.
Albritton	Eagle	Metz	Rodriguez, R.
Antone	Edwards	Moraitis	Rogers
Artiles	Eisnagle	Moskowitz	Rooney
Baxley	Fitzenhagen	Murphy	Rouson
Beshears	Fresen	Nelson	Santiago
Bileca	Fullwood	Nuñez	Schenck
Boyd	Gaetz	Oliva	Smith
Bracy	Gonzalez	O'Toole	Spano
Brodeur	Goodson	Passidomo	Stark
Broxson	Grant	Patronis	Steube
Caldwell	Hager	Perry	Stewart
Campbell	Harrell	Peters	Stone
Castor Dentel	Hill	Pigman	Taylor
Clarke-Reed	Holder	Pilon	Tobia
Clelland	Hood	Porter	Torres
Coley	Hooper	Pritchett	Trujillo
Combee	Hudson	Rabun	Van Zant
Corcoran	Hutson	Rader	Waldman
Crisafulli	Ingram	Rangel	Watson, C.
Cruz	Jones, S.	Raschein	Weatherford
Cummings	Kerner	Raulerson	Williams, A.
Danish	La Rosa	Ray	Wood
Davis	Lee	Rehwinkel	Workman
Diaz, J.	Magar	Renuart	Young

Nays—13

Berman	Pafford	Saunders	Watson, B.
Gibbons	Powell	Schwartz	
Jones, M.	Reed	Slosberg	
McGhee	Rodríguez, J.	Stafford	

Votes after roll call:

Yeas—Zimmermann

So the bill passed, as amended, and was immediately certified to the Senate.

**CS/CS/HB 791**—A bill to be entitled An act relating to coastal management; amending s. 161.053, F.S.; revising permit requirements for coastal construction and excavation; authorizing the Department of Environmental Protection, in consultation with the Fish and Wildlife Conservation Commission, to grant areawide permits for certain structures; requiring the department to adopt rules; creating s. 258.435, F.S.; requiring the Department of Environmental Protection to promote the public use of aquatic preserves and their associated uplands; authorizing the department to receive gifts and donations for specified purposes; providing restrictions for moneys received; authorizing the department to grant privileges and concessions for accommodation of visitors in and use of aquatic preserves and their associated uplands; providing criteria for granting such concessions; providing restrictions on such privileges and concessions and prohibiting them from being assigned or transferred without the department's consent; requiring the department to post descriptions of proposed privileges and concessions on the department's website; requiring the department to provide an opportunity for public comment on agreements for such privileges and concessions; amending s. 380.276, F.S.; authorizing the department to allow state agencies and local governments to use additional safety and warning devices at public beaches under certain conditions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 679

Representative Coley in the Chair.

Yeas—117

Adkins	Edwards	Moskowitz	Rouson
Ahern	Eisnagle	Murphy	Santiago
Albritton	Fitzenhagen	Nelson	Saunders
Antone	Fresen	Núñez	Schenck
Artiles	Fullwood	Oliva	Schwartz
Baxley	Gaetz	O'Toole	Slosberg
Berman	Gibbons	Pafford	Smith
Beshears	Gonzalez	Passidomo	Spano
Bileca	Goodson	Patronis	Stafford
Boyd	Grant	Perry	Stark
Bracy	Hager	Peters	Steube
Brodeur	Harrell	Pigman	Stewart
Broxson	Hill	Pilon	Stone
Caldwell	Holder	Porter	Taylor
Campbell	Hood	Powell	Tobia
Castor Dentel	Hooper	Pritchett	Torres
Clarke-Reed	Hudson	Raburn	Trujillo
Clelland	Hutson	Rader	Van Zant
Coley	Ingram	Rangel	Waldman
Combee	Jones, M.	Raulerson	Watson, B.
Corcoran	Jones, S.	Ray	Watson, C.
Crisafulli	Kerner	Reed	Weatherford
Cruz	La Rosa	Rehwinkel Vasilinda	Williams, A.
Cummings	Lee	Renuart	Wood
Danish	Magar	Richardson	Workman
Davis	Mayfield	Roberson, K.	Young
Diaz, J.	McBurney	Rodrigues, R.	Zimmermann
Diaz, M.	McGhee	Rodríguez, J.	
Dudley	Metz	Rogers	
Eagle	Moraitis	Rooney	

Nays—None

Votes after roll call:

Yeas—Raschein

So the bill passed, as amended, and was immediately certified to the Senate.

**HB 7175**—A bill to be entitled An act relating to Department of Transportation; amending s. 11.45, F.S., deleting a provision authorizing the Auditor General to conduct audits of transportation corporations authorized under the Florida Transportation Corporation Act; amending s. 20.23, F.S.; providing for the Florida Transportation Commission to monitor certain aspects of the Mid-Bay Bridge Authority; repealing provisions for the Florida Statewide Passenger Rail Commission; amending s. 316.530, F.S.; deleting a provision relating to load limits for certain towed vehicles; amending s. 316.545, F.S.; revising the weight reduction used to determine unlawful weight of certain vehicles equipped with idle-reduction technology; amending s. 332.007, F.S.; authorizing the department to fund strategic airport investments; providing criteria; amending s. 334.044, F.S.; prohibiting the department from entering into a lease-purchase agreement; providing that certain lease-purchase agreements are not invalidated; providing an exception from a requirement to purchase all plant materials from Florida commercial nursery stock; amending s. 335.06, F.S.; providing for improvement and maintenance of certain roads that provide access to the state park system; amending s. 335.065, F.S.; authorizing the department to enter into certain concession agreements; providing for use of agreement revenues; providing that the agreements are subject to applicable federal laws; amending s. 337.11, F.S.; removing the requirement that a contractor provide a notarized affidavit as proof of motor vehicle registration; amending s. 337.14, F.S.; providing an exception to a provision that prohibits certain contractors and affiliates from qualifying to provide certain services to the department; providing construction; amending s. 337.168, F.S., relating to confidentiality of bid information; providing that a document that reveals the identity of a person who has requested or received certain information before a certain time is a public record; amending s. 337.25, F.S.; revising provisions for disposition of property by the department; authorizing the department to contract for auction services for conveyance of property; amending s.

337.251, F.S.; revising criteria for leasing certain department property; revising the time for the department to accept proposals for lease after a notice is published; directing the department to establish an application fee by rule; providing criteria for the fee and for the proposed lease; amending s. 338.161, F.S.; revising provisions authorizing the department to use its electronic toll collection and video billing systems to collect certain charges for an owner of a transportation facility; amending s. 338.26, F.S.; revising the uses of fees generated from Alligator Alley tolls to include the cost of design and construction of a fire station that may be used by certain local governments and certain related operating costs; providing that excess tolls, after payment of certain expenses, be transferred to the Everglades Trust Fund; creating s. 339.041, F.S.; providing legislative intent; describing the types of department property eligible for factoring future revenues received by the department from leases for wireless communication facilities on department property; authorizing the department to enter into agreements with investors to purchase the revenue streams from department leases of wireless communication facilities on such property pursuant to an invitation to negotiate; prohibiting the department from pledging state credit; allowing the department to make certain covenants; providing for the appropriation and payment of moneys received from such agreements to investors; requiring the proceeds from such leases to be used for certain fixed capital expenditures; amending s. 339.175, F.S.; revising membership and governance of a metropolitan planning organization; revising powers and duties of the Metropolitan Planning Organization Advisory Council; amending s. 339.2821, F.S.; authorizing Enterprise Florida, Inc., to be a consultant to the department for consideration of expenditures associated with and contracts for transportation projects; revising the requirements for economic development transportation project contracts between the Department of Transportation and a governmental entity; repealing the Florida Transportation Corporation Act; repealing ss. 339.401, 339.402, 339.403, 339.404, 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411, 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419, 339.420, and 339.421, F.S.; removing provisions for corporations to be authorized by and to act on behalf of the department for promotion and development of transportation facilities and systems; amending s. 343.82, F.S., relating to the Northwest Florida Transportation Corridor Authority and s. 343.922, F.S., relating to Tampa Bay Area Regional Transportation Authority; removing provisions for certain funding and assistance sources; amending s. 373.4137, F.S.; revising legislative intent for implementation of mitigation to offset environmental impact of department projects; revising provisions for environmental impact inventories for transportation projects proposed by the department or a transportation authority; revising criteria for mitigation of projected impacts; requiring the Department of Transportation to include funding for environmental mitigation for projects in its work program; revising the process and criteria for the payment by the department or participating transportation authorities of mitigation implemented by water management districts or the Department of Environmental Protection; revising the requirements for the payment to a water management district or the Department of Environmental Protection of the costs of mitigation planning and implementation of the mitigation required by a permit; revising the payment criteria for preparing and implementing mitigation plans adopted by water management districts for transportation impacts based on the environmental impact inventory; adding federal requirements for the development of a mitigation plan; providing for transportation projects in the environmental mitigation plan for which mitigation has not been specified; revising a water management district's responsibilities relating to a mitigation plan; amending s. 373.618, F.S.; revising provisions relating to public service warning signs; amending s. 479.01, F.S., relating to outdoor advertising signs; revising and deleting definitions; amending s. 479.02, F.S.; revising duties of the Department of Transportation relating to signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs to commercial or industrial zones; defining the terms "parcel" and "utilities"; requiring a local government to use specified criteria to determine zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; authorizing a permit for a sign in an unzoned commercial or industrial area in certain circumstances; prohibiting specified uses and activities from being

independently recognized as commercial or industrial; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; requiring notice to owners of intervening privately owned lands before the department enters upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect or construct outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; prohibiting the department from granting a transfer of an existing permit or issuing an additional permit during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; revising permit tag placement requirements for signs; deleting a provision that allows a permittee to provide its own replacement tag; revising requirements for permitting certain signs visible to more than one highway; deleting provisions limiting a pilot program to specified locations; deleting redundant provisions relating to certain new or replacement signs; deleting provisions requiring maintenance of statistics on the pilot program; amending s. 479.08, F.S.; revising provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; authorizing the cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; providing a penalty; amending s. 479.106, F.S.; revising provisions relating to the removal, cutting, or trimming of trees or vegetation to increase sign face visibility; providing that a specified penalty is applied per sign facing; amending s. 479.107, F.S.; deleting a fine for specified violations; amending s. 479.11, F.S.; prohibiting signs on specified portions of the interstate highway system; amending s. 479.111, F.S.; clarifying a reference to a certain agreement; amending s. 479.15, F.S.; deleting a definition; revising provisions relating to relocation of certain signs on property subject to public acquisition; amending s. 479.156, F.S.; clarifying provisions relating to the regulation of wall murals; amending s. 479.16, F.S.; exempting certain signs from specified provisions; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgment signs on publicly funded school premises, and certain displays on specific sports facilities; prohibiting certain permit exemptions from being implemented or continued if the implementations or continuations will adversely impact the allocation of federal funds to the Department of Transportation; directing the department to notify a sign owner that the sign must be removed if federal funds are adversely impacted; authorizing the department to remove the sign and assess costs to the sign owner under certain circumstances; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; revising provisions relating to local government action with respect to erection of noise-attenuation barriers that block views of lawfully erected signs; deleting provisions to conform to changes made by the act; amending s. 479.261, F.S.; expanding the logo sign program to the limited access highway system; conforming provisions related to a logo sign program on the limited access highway system; amending s. 479.262, F.S.; clarifying provisions relating to the tourist-oriented directional sign program; limiting the placement of such signs to intersections on certain rural roads; prohibiting such signs in urban areas or at interchanges on freeways or expressways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; repealing s. 76 of chapter 2012-174, Laws of Florida, relating to authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program and directing the department to submit the approved pilot program for legislative approval; establishing a pilot program for the School District of Palm Beach County authorizing signage on certain school district property to recognize the names of the school district's business partners; providing for expiration of the program; requiring the Florida Transportation Commission to study the potential for state revenue from parking meters and other parking

time-limit devices; authorizing to commission to retain experts; requiring the department to pay for the experts; requiring certain information from municipalities and counties; requiring certain information to be considered in the study; requiring a written report; providing for the removal of parking meters and parking time-limit devices under certain circumstance; providing for municipalities and counties to pay the cost of removal; providing for a moratorium on new parking meters of other parking time-limit devices on the state right-of-way; providing an exception; amending s. 2 of chapter 85-364, Laws of Florida, relating to the Department of Transportation; authorizing tolls from the Pinellas Bayway to be used for maintenance costs; removing provisions for funding of certain projects; amending s. 110.205, F.S.; conforming cross-references; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 680

Representative Coley in the Chair.

Yeas—118

Adkins	Edwards	Moskowitz	Rooney
Ahern	Eisnaugle	Murphy	Rouson
Albritton	Fitzenhagen	Nelson	Santiago
Antone	Fresen	Nuñez	Saunders
Artiles	Fullwood	Oliva	Schenck
Baxley	Gaetz	O'Toole	Schwartz
Berman	Gibbons	Pafford	Slosberg
Beshears	Gonzalez	Passidomo	Smith
Bileca	Goodson	Patronis	Spano
Boyd	Grant	Perry	Stafford
Bracy	Hager	Peters	Stark
Brodeur	Harrell	Pigman	Steube
Broxson	Hill	Pilon	Stewart
Caldwell	Holder	Porter	Stone
Campbell	Hood	Powell	Taylor
Castor Dentel	Hooper	Pritchett	Tobia
Clarke-Reed	Hudson	Raburn	Torres
Clelland	Hutson	Rader	Trujillo
Coley	Ingram	Rangel	Van Zant
Combee	Jones, M.	Raschein	Waldman
Corcoran	Jones, S.	Raulerson	Watson, B.
Crisafulli	Kerner	Ray	Watson, C.
Cruz	La Rosa	Reed	Weatherford
Cummings	Lee	Rehwinkel	Williams, A.
Danish	Magar	Renuart	Wood
Davis	Mayfield	Richardson	Workman
Diaz, J.	McBurney	Roberson, K.	Young
Diaz, M.	McGhee	Rodriguez, R.	Zimmermann
Dudley	Metz	Rodriguez, J.	
Eagle	Moraitis	Rogers	

Nays—None

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

### Remarks

The Speaker recognized Representative Davis, who gave brief farewell remarks.

### Special Orders

**HB 7181**—A bill to be entitled An act relating to public retirement plans; amending s. 121.021, F.S.; revising the definition of "vested" or "vesting"; providing that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after 10 years of creditable service; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for employees in the Elected Officers' Class or the Senior Management Service Class initially enrolled after a specified date; amending s. 121.052, F.S.; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class



after a specified date; amending s. 121.053, F.S.; authorizing renewed membership in the retirement system for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances; amending s. 121.055, F.S.; authorizing renewed membership in the retirement system for retirees of the Senior Management Service Optional Annuity Program who are reemployed on or after a specified date; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Service Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; increasing the service time required to qualify for disability benefits to 10 years for members enrolled in the pension plan on or after a specified date; revising provisions to conform to changes made by the act; amending s. 121.122, F.S.; requiring that certain retirees who are employed on or after a specified date be renewed members in the investment plan; providing exceptions; providing that creditable service does not accrue for a reemployed retiree during a specified period; prohibiting certain funds from being paid into a renewed member's investment plan account for a specified period of employment; requiring the renewed member to satisfy vesting requirements; prohibiting a renewed member from receiving disability benefits; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions to the member's investment plan account; providing for the administration of the employer and employee contributions; prohibiting the purchase of past service in the investment plan during certain dates; authorizing a renewed member to receive additional credit toward the health insurance subsidy under certain circumstances; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State University System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State Community College System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; revising the definition of "member" or "employee"; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; enrolling certain employees in the pension plan from their date of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; providing certain members with a specified time to choose participation in the pension plan or the investment plan; specifying that a retiree who has returned to covered employment before a specified date may continue membership in his or her selected retirement plan; conforming a provision to changes made by the act; providing for the transfer of certain contributions; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; revising the education component; conforming provisions and cross-references to changes made by the act; amending s. 121.591, F.S.; increasing the service time required to qualify for disability benefits to 10 years for members enrolled in the investment plan on or after a specified date; amending s. 175.021, F.S.; revising the legislative declaration to require that all firefighter pension plans meet the requirements of chapter 175, F.S., in order to receive insurance premium tax revenues; amending s. 175.032, F.S.; revising definitions to conform to changes made by the act and providing new definitions; amending s. 175.071, F.S.; conforming a cross-reference; amending s. 175.091, F.S.; revising the method of creating and maintaining a firefighters' pension trust fund; amending s. 175.162, F.S.; deleting a provision basing the availability of additional benefits in a firefighter pension plan upon state funding; revising the calculation of monthly retirement income for a full-time firefighter; providing that certain firefighter pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 175.351, F.S., relating to municipalities and special fire

control districts that have their own pension plans and want to participate in the distribution of a tax fund; revising criteria governing the use of revenues from the premium tax; authorizing a pension plan to reduce excess benefits if the plan continues to meet certain minimum benefits and standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 175, F.S., under certain circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 175, F.S., for a limited time; amending s. 185.01, F.S.; revising the legislative declaration to require that all police officer pension plans meet the requirements of chapter 185, F.S., in order to receive insurance premium tax revenues; amending s. 185.02, F.S.; revising definitions to conform to changes made by the act and adding new definitions; revising applicability of the limitation on the amount of overtime payments which may be used for retirement benefit calculations; amending s. 185.06, F.S.; conforming a cross-reference; amending s. 185.07, F.S.; revising the method of creating and maintaining a police officers' retirement trust fund; amending s. 185.16, F.S.; deleting a provision basing the availability of additional benefits in a police officer pension plan upon state funding; revising the calculation of monthly retirement income for a police officer; providing that certain police officer pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 185.35, F.S., relating to municipalities that have their own pension plans for police officers and want to participate in the distribution of a tax fund; conforming a cross-reference; revising criteria governing the use of revenues from the premium tax; authorizing a plan to reduce excess benefits if the plan continues to meet certain minimum benefits and minimum standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 185, F.S., under specified circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 185, F.S., for a limited time; amending ss. 238.072 and 413.051, F.S.; conforming cross-references; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

#### THE SPEAKER PRO TEMPORE IN THE CHAIR

Rep. A. Williams moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Caldwell offered the following:

(Amendment Bar Code: 052763)

**Amendment 1**—Remove lines 1530-2551 and insert:

(3) "Base premium tax revenues" means for local law plans in effect on October 1, 1998, the revenues received by a municipality or special fire control district pursuant to s. 175.121 for the calendar year 1997, and for local law plans created after October 1, 1998 and on or before March 1, 2014, the revenues received by a municipality or special fire control district pursuant to s. 175.121 for the second full year of distribution after the plan was created.

(4)(2) "Chapter plan" means a separate defined benefit pension plan for firefighters which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality or special district. Except as ~~may be~~ specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 175.021-175.341 and ss. 175.361-175.401. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 175.261(1).

(5)(3) "Compensation" or "salary" means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the fixed monthly remuneration paid a firefighter. If remuneration is based on actual services rendered, as in the case of a volunteer firefighter, the term means the total cash remuneration received yearly for such services, prorated on a monthly basis. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or

after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

(a) Any retirement trust fund or plan that meets the requirements of this chapter does not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each firefighter covered by the retirement trust fund or plan.

(b) The member's compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and ~~shall be~~ treated as compensation for retirement purposes under this chapter.

(c) For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for that plan year may not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, as amended by the Omnibus Budget Reconciliation Act of 1993, which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and ~~shall be~~ further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code s. 401(a)(17)(B). For any person who first became a member before the first plan year beginning on or after January 1, 1996, the limitation on compensation may not be less than the maximum compensation amount that was allowed to be taken into account under the plan in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

~~(6)(4)~~ "Creditable service" or "credited service" means the aggregate number of years of service; and fractional parts of years of service; of any firefighter, omitting intervening years and fractional parts of years when such firefighter may not have been employed by the municipality or special fire control district, subject to the following conditions:

(a) ~~A~~ No firefighter ~~may not will~~ receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the firefighter repays into the fund the amount he or she has withdrawn, plus interest determined by the board. The member shall have at least 90 days after his or her reemployment to make repayment.

(b) A firefighter may voluntarily leave his or her contributions in the fund for ~~a period of~~ 5 years after leaving the employ of the fire department, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a firefighter. If the firefighter is not reemployed as a firefighter, with the same department, within 5 years, his or her contributions shall be returned without interest.

(c) Credited service under this chapter shall be provided only for service as a firefighter, ~~as defined in subsection (8)~~, or for military service and does not include credit for any other type of service. A municipality ~~may~~, by local ordinance, or a special fire control district ~~may~~, by resolution, may provide for the purchase of credit for military service prior to employment as well as for prior service as a firefighter for some other employer as long as a firefighter is not entitled to receive a benefit for such prior service ~~as a firefighter~~. For purposes of determining credit for prior service as a firefighter, in addition to service as a firefighter in this state, credit may be given for federal, other state, or county service if the prior service is recognized by the Division of State Fire Marshal as provided ~~in under~~ chapter 633, or the firefighter provides proof to the board of trustees that his or her service is equivalent to the service required to meet the definition of a firefighter under subsection ~~(11) (8)~~.

(d) In determining the creditable service of any firefighter, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service if:

1. The firefighter is in the active employ of an employer immediately prior to such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The firefighter is entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act.

3. The firefighter returns to his or her employment as a firefighter of the municipality or special fire control district within 1 year from the date of release from such active service.

~~(7)(5)~~ "Deferred Retirement Option Plan" or "DROP" means a local law plan retirement option in which a firefighter may elect to participate. A firefighter may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a firefighter who enters ~~the~~ DROP and who is otherwise eligible to participate ~~may shall not thereby~~ be precluded from ~~participation or continued participation participating, or continuing to participate, in a supplemental plan in existence on, or created after, March 12, 1999 the effective date of this act.~~

~~(8)~~ "Defined contribution plan" means the component of a local law plan, as provided in s. 175.351(1), to which deposits, if any, are made to provide benefits for firefighters, or for firefighters and police officers if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit component that meets the minimum benefits and minimum standards of this chapter. The retirement benefits, if any, of the defined contribution plan shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

~~(9)(6)~~ "Division" means the Division of Retirement of the Department of Management Services.

~~(10)(7)~~ "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

~~(11)(8)(a)~~ "Firefighter" means a person employed solely by a constituted fire department of any municipality or special fire control district who is certified as a firefighter as a condition of employment in accordance with s. 633.408 and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters. However, for purposes of this chapter only, the term also includes public safety officers who are responsible for performing both police and fire services, who are certified as police officers or firefighters, and who are certified by their employers to the Chief Financial Officer as participating in this chapter before October 1, 1979. Effective October 1, 1979, public safety officers who have not been certified as participating in this chapter are considered police officers for retirement purposes and are eligible to participate in chapter 185. Any plan may provide that the fire chief has an option to participate, ~~or not~~, in that plan.

(b) "Volunteer firefighter" means any person whose name is carried on the active membership roll of a constituted volunteer fire department or a combination of a paid and volunteer fire department of any municipality or special fire control district and whose duty it is to extinguish fires, to protect life, and to protect property. Compensation for services rendered by a volunteer firefighter ~~does shall~~ not disqualify him or her as a volunteer. A person ~~may shall~~ not be disqualified as a volunteer firefighter solely because he or she has other gainful employment. Any person who volunteers assistance at a fire but is not an active member of a department described herein is not a volunteer firefighter within the meaning of this paragraph.

~~(12)(9)~~ "Firefighters' Pension Trust Fund" means a trust fund, by whatever name known, as provided under s. 175.041, for the purpose of assisting municipalities and special fire control districts in establishing and maintaining a retirement plan for firefighters.

~~(13)(40)~~ "Local law municipality" is any municipality in which ~~there exists~~ a local law plan exists.

~~(14)(44)~~ "Local law plan" means a retirement ~~defined benefit pension plan, which includes both a defined benefit plan component and a defined contribution plan component, for firefighters, or for firefighters and or police officers if both are where~~ included, as described in s. 175.351, established by municipal ordinance, special district resolution, or special act of the

Legislature, which ~~enactment~~ sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter ~~if the, provided that~~ required minimum benefits and minimum standards of this chapter are met. However, any such variance must ~~shall~~ provide a greater benefit for firefighters. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 175.261(2).

~~(15)(12)~~ "Local law special fire control district" ~~means is~~ means any special fire control district in which ~~there exists~~ a local law plan exists.

~~(16)~~ "Minimum benefits" means the benefits set forth in ss. 175.021-175.341 and ss. 175.361-175.401.

~~(17)~~ "Minimum standards" means the standards set forth in ss. 175.021-175.341 and ss. 175.361-175.401.

~~(18)(13)~~ "Property insurance" means property insurance as defined in s. 624.604 and covers real and personal property within the corporate limits of ~~a any~~ municipality, or within the boundaries of ~~a any~~ special fire control district, within the state. The term "multiple peril" means a combination or package policy that includes both property and casualty coverage for a single premium.

~~(19)(14)~~ "Retiree" or "retired firefighter" means a firefighter who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a firefighter who enters ~~the DROP is shall be~~ considered a retiree for all purposes of the plan. However, a firefighter who enters ~~the DROP and who is otherwise eligible to participate may shall not thereby~~ be precluded from participation or continued participation ~~participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, March 12, 1999 ~~the effective date of this act~~.

~~(20)(15)~~ "Retirement" means a firefighter's separation from ~~municipal city~~ or fire district employment as a firefighter with immediate eligibility for ~~receipt~~ of benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), "retirement" means the date a firefighter enters ~~the DROP~~.

~~(21)~~ "Special act plan" means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

~~(22)~~ "Special benefits" means benefits provided in a defined contribution plan for firefighters.

~~(23)(16)~~ "Special fire control district" means a special district, as defined in s. 189.403~~(1)~~, established for the purposes of extinguishing fires, protecting life, and protecting property within the incorporated or unincorporated portions of ~~a any~~ county or combination of counties, or within any combination of incorporated and unincorporated portions of ~~a any~~ county or combination of counties. The term does not include any dependent or independent special district, as those terms are defined in s. 189.403, whose ~~s. 189.403(2) and (3), respectively, the employees of which~~ are members of the Florida Retirement System pursuant to s. 121.051(1) or (2).

~~(24)(17)~~ "Supplemental plan" means a plan to which deposits are made to provide special ~~extra~~ benefits for firefighters, or for firefighters and police officers if both are ~~where~~ included ~~under this chapter~~. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit component plan that meets the minimum benefits and minimum standards of this chapter. Any supplemental plan in existence on March 1, 2014, shall be deemed to be a defined contribution plan in compliance with s. 175.351(6).

~~(25)(18)~~ "Supplemental plan municipality" means ~~a any~~ local law municipality in which ~~any there existed a supplemental plan existed, of any type or nature,~~ as of December 1, 2000.

Section 12. Subsection (7) of section 175.071, Florida Statutes, is amended to read:

175.071 General powers and duties of board of trustees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(7) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

(a) Employ independent legal counsel at the pension fund's expense.

(b) Employ an independent enrolled actuary, as defined in s. 175.032~~(7)~~, at the pension fund's expense.

(c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund's expense.

If the board chooses to use the municipality's or special district's legal counsel or actuary, or chooses to use any of the municipality's or special district's other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 13. Paragraph (d) of subsection (1) of section 175.091, Florida Statutes, is amended to read:

175.091 Creation and maintenance of fund.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) The firefighters' pension trust fund in each municipality and in each special fire control district shall be created and maintained in the following manner:

(d) By mandatory payment by the municipality or special fire control district of a sum equal to the normal cost of and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under as provided in part VII of chapter 112 after taking into account the amounts described in paragraphs (b), (c), (e), (f), and (g) and the tax proceeds described in paragraph (a) which are used to fund defined benefit plan benefits.

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

Section 14. Paragraph (a) of subsection (2) of section 175.162, Florida Statutes, is amended to read:

175.162 Requirements for retirement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, any firefighter who completes 10 or more years of creditable service as a firefighter and attains age 55, or completes 25 years of creditable service as a firefighter and attains age 52, and who for such minimum period has been a member of the firefighters' pension trust fund operating under a chapter plan or local law plan, is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the municipality or special fire control district on or after the normal retirement date. In such event, payment of retirement income will be governed by the following provisions of this section:

(2)(a)1. The amount of monthly retirement income payable to a full-time firefighter who retires on or after his or her normal retirement date shall be an amount equal to the number of his or her years of credited service multiplied by ~~2.75~~ 2 percent of his or her average final compensation as a full-time firefighter. ~~However, if current state contributions pursuant to this chapter are not adequate to fund the additional benefits to meet the minimum requirements in this chapter, only such incremental increases shall be required as state moneys are adequate to provide. Such increments shall be provided as state moneys become available.~~

2. Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service, as provided in subparagraph 1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2014, and is not required to increase the benefit to 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service.

3. Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service, as provided in subparagraph 1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, and that changes the percentage amount or maximum benefit limitation to 2.75 percent, or greater, of the average final compensation of a full-time firefighter for all years of credited service, as provided in subparagraph 1., may not thereafter decrease the percentage amount or maximum benefit limitation to less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service as provided in subparagraph 1.

Section 15. Section 175.351, Florida Statutes, is amended to read:

175.351 Municipalities and special fire control districts ~~that have~~ having their own pension plans for firefighters. ~~For any municipality, special fire control district, local law municipality, local law special fire control district, or local law plan under this chapter, In order for a municipality or municipalities and special fire control district that has its districts with their own retirement plan pension plans for firefighters, or for firefighters and police officers if both are included, to participate in the distribution of the tax fund established under pursuant to s. 175.101, a local law plan plans must meet the minimum benefits and minimum standards set forth in this chapter, except as provided in the mutual consent provisions in subsection (1)(g) with respect to the minimum benefits not met as of October 1, 2012.~~

(1) If a municipality has a ~~retirement pension~~ plan for firefighters, or a ~~pension plan~~ for firefighters and police officers if both are included, which in the opinion of the division meets the minimum benefits and minimum standards set forth in this chapter, the board of trustees of the pension plan must, ~~as approved by a majority of firefighters of the municipality, may:~~

(a) place the income from the premium tax in s. 175.101 in such ~~pension~~ plan for the sole and exclusive use of its firefighters, or for firefighters and police officers if both are included, where it shall become an integral part of that ~~pension~~ plan and ~~shall~~ be used to fund benefits as provided herein. Effective October 1, 2014, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2014:

(a) The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district.

(b) Of the additional premium tax revenues received which are in excess of the amount received for calendar year 2012, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district, and 50 percent must be placed in a defined contribution plan to fund special benefits.

(c) Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits. If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).

(d) Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits, and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan with any amount of the accumulations in excess of the amount required to fund the unfunded actuarial liabilities being used to fund special benefits ~~to pay extra benefits to the firefighters included in that pension plan; or~~

(b) ~~Place the income from the premium tax in s. 175.101 in a separate supplemental plan to pay extra benefits to firefighters, or to firefighters and police officers if included, participating in such separate supplemental plan.~~

(e) For a plan created after March 1, 2014, 50 percent of the insurance premium tax revenues must be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.

(f) If a plan offers benefits in excess of the minimum benefits, excluding supplemental plan benefits in effect as of September 30, 2013, such benefits may be reduced if the plan continues to meet the minimum benefits and the minimum standards set forth in this chapter. The amount of insurance premium tax revenues previously used to fund benefits in excess of minimum benefits, excluding additional premium tax revenues in an amount equal to the amount of additional premium tax revenues distributed to a supplemental plan for calendar year 2012, before the reduction must be used as provided in paragraph (b). However, benefits in excess of the minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent, or greater, of the average final compensation of a full-time firefighter, as provided in s. 175.162(2)(a)1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, as described in s. 175.162(2)(a)2.

(g) Notwithstanding any other provision of paragraphs (a)–(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if none, by majority consent of the firefighter members of the fund, and by consent of the municipality or special fire control district, provided that the plan continues to meet the minimum benefits and minimum standards of this chapter; however, a plan which operates pursuant to this paragraph and does not meet the minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level, but not less than that level, as was provided as of October 1, 2012, and all other benefit levels must continue to meet the minimum benefits. Such mutually agreed deviation shall continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative or, if none, by a majority of the firefighter members of the fund, and the municipality or special fire control district. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2014, to be a deviation for which mutual consent has been granted.

(2) The premium tax provided by this chapter shall ~~in all cases~~ be used in its entirety to provide ~~retirement extra~~ benefits to firefighters, or to firefighters and police officers if both are included. ~~However, local law plans in effect on October 1, 1998, must comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). If a plan is in compliance with such minimum benefit provisions, as subsequent additional premium tax revenues become available, they must be used to provide extra benefits. Local law plans created by special act before May 27, 1939, are deemed to comply with this chapter. For the purpose of this chapter, the term:~~

(a) "Additional premium tax revenues" means revenues received by a municipality or special fire control district pursuant to s. 175.121 which ~~exceed that amount received for calendar year 1997.~~

(b) "Extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for firefighters on March 12, 1999.

(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality, special fire control district, or, where required ~~permitted~~, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held ~~thereon~~. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

(4) Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) A local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) Section 175.061(1)(b) does not apply, and a local law plan and a supplemental plan shall continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

(c) ~~The election set forth in paragraph (1)(b) is deemed to have been made.~~

(5) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing, and copies made available to the participants and to the general public.

(6) In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2014, for noncollectively bargained service, upon

entering into a collective bargaining agreement on or after July 1, 2014, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution component may or may not receive any funding.

(7) Notwithstanding any other provision of this chapter, a municipality or special fire control district that has implemented or proposed changes to a local law plan based on the municipality's or district's reliance on an interpretation of this chapter by the Department of Management Services on or after August 14, 2012, and before March 4, 2014, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality or district and the Department of Management Services which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality or district dated before March 4, 2014. Changes to the local law plan which are otherwise contrary to the minimum benefits and minimum standards in this chapter may continue in effect until the earlier of October 1, 2017, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

Section 16. Subsection (2) of section 185.01, Florida Statutes, is amended to read:

185.01 Legislative declaration.—

~~(2) This chapter hereby establishes, for all municipal pension plans now or hereinafter provided for under this chapter, including chapter plans and local law plans, minimum benefits and minimum standards for the operation and funding of such plans, hereinafter referred to as municipal police officers' retirement trust funds, which must be met as conditions precedent to the plans or plan sponsors receiving a distribution of insurance premium tax revenues under s. 185.10. The minimum benefits and minimum standards for each plan as set forth in this chapter may not be diminished by local ordinance or by special act of the Legislature and may not, nor may the minimum benefits or minimum standards be reduced or offset by any other local, state, or federal plan that includes may include police officers in its operation, except as provided under s. 112.65.~~

Section 17. Section 185.02, Florida Statutes, is amended to read:

185.02 Definitions.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the ~~term following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is plainly required by the context:~~

(1) "Additional premium tax revenues" means revenues received by a municipality pursuant to s. 185.10 which exceed base premium tax revenues.

~~(2)(4) "Average final compensation" means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service prior to retirement, termination, or death.~~

(3) "Base premium tax revenues" means for local law plans in effect on October 1, 1998, the revenues received by a municipality pursuant to s. 185.10 for the calendar year 1997, and for local law plans created after October 1, 1998 and on or before March 1, 2014, the revenues received by a municipality pursuant to s. 185.10 for the second full year of distribution after the plan was created.

~~(4)(2) "Casualty insurance" means automobile public liability and property damage insurance to be applied at the place of residence of the owner, or if the subject is a commercial vehicle, to be applied at the place of business of the owner; automobile collision insurance; fidelity bonds; burglary and theft insurance; and plate glass insurance. The term "multiple peril" means a combination or package policy that includes both property coverage and casualty coverage for a single premium.~~

~~(5)(3) "Chapter plan" means a separate defined benefit pension plan for police officers which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality as provided in s. 185.08. Except as may be specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 185.01-185.341 and ss. 185.37-185.39. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 185.221(1)(b).~~

~~(6)(4) "Compensation" or "salary" means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the total cash~~

remuneration including "overtime" paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer. Overtime may be limited prior to July 1, 2011, in a local law plan by the plan provisions. A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; however, such overtime limit may not be less than 300 hours per officer per calendar year. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

(a) Any retirement trust fund or plan that meets the requirements of this chapter does not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each police officer covered by the retirement trust fund or plan.

(b) The member's compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter.

(c) For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for that plan year may not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, as amended by the Omnibus Budget Reconciliation Act of 1993, which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and ~~shall be~~ further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code s. 401(a)(17)(B). For any person who first became a member before the first plan year beginning on or after January 1, 1996, the limitation on compensation may not be less than the maximum compensation amount that was allowed to be taken into account under the plan ~~as~~ in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

~~(7)(5)~~ "Creditable service" or "credited service" means the aggregate number of years of service and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years when such police officer may not have been employed by the municipality subject to the following conditions:

(a) ~~A~~ ~~No~~ police officer ~~may not will~~ receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the police officer repays into the fund the amount he or she has withdrawn, plus interest as determined by the board. The member ~~has~~ ~~shall have~~ at least 90 days after his or her reemployment to make repayment.

(b) A police officer may voluntarily leave his or her contributions in the fund for ~~a period of~~ 5 years after leaving the employ of the police department, pending the possibility of his or her being rehired by the same department, without losing credit for the time he or she has participated actively as a police officer. If he or she is not reemployed as a police officer with the same department within 5 years, his or her contributions shall be returned ~~to him or her~~ without interest.

(c) Credited service under this chapter shall be provided only for service as a police officer, ~~as defined in subsection (1),~~ or for military service and may not include credit for any other type of service. A municipality ~~may~~, by local ordinance, may provide for the purchase of credit for military service occurring before employment as well as prior service as a police officer for some other employer as long as the police officer is not entitled to receive a benefit for such ~~other~~ prior service ~~as a police officer~~. For purposes of determining credit for prior service, in addition to service as a police officer in this state, credit may be given for federal, other state, or county service as long as such service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement as provided ~~in under~~ chapter 943 or the police officer provides proof to the

board of trustees that such service is equivalent to the service required to meet the definition of a police officer under subsection (16) (H).

(d) In determining the creditable service of ~~a any~~ police officer, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service, if:

1. The police officer is in the active employ of the municipality ~~before~~ prior to such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The police officer is entitled to reemployment under ~~the provisions of~~ the Uniformed Services Employment and Reemployment Rights Act.

3. The police officer returns to his or her employment as a police officer of the municipality within 1 year ~~after from~~ the date of his or her release from such active service.

~~(8)(6)~~ "Deferred Retirement Option Plan" or "DROP" means a local law plan retirement option in which a police officer may elect to participate. A police officer may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a police officer who enters ~~the~~ DROP and who is otherwise eligible to participate ~~may shall not thereby~~ be precluded from participation or continued participation ~~participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, March 12, 1999 the effective date of this act.

(9) "Defined contribution plan" means the component of a local law plan, as provided in s. 185.35(1), to which deposits, if any, are made to provide benefits for police officers, or for police officers and firefighters if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit component that meets the minimum benefits and minimum standards of this chapter. The retirement benefits, if any, of the defined contribution plan shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

~~(10)(7)~~ "Division" means the Division of Retirement of the Department of Management Services.

~~(11)(8)~~ "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

~~(12)(9)~~ "Local law municipality" ~~means is~~ any municipality in which ~~there~~ exists a local law plan exists.

~~(13)(10)~~ "Local law plan" means a ~~retirement defined benefit pension plan,~~ which includes both a defined benefit plan component and a defined contribution plan component, for police officers, or for police officers and firefighters ~~if both are, where~~ included, as described in s. 185.35, established by municipal ordinance or special act of the Legislature, which ~~enactment~~ sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter ~~if the, provided that required~~ minimum benefits and minimum standards of this chapter are met. However, any such variance must shall provide a greater benefit for police officers. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 185.221(2)(b).

(14) "Minimum benefits" means the benefits set forth in ss. 185.01-185.341 and ss. 185.37-185.50.

(15) "Minimum standards" means the standards set forth in ss. 185.01-185.341 and ss. 185.37-185.50.

~~(16)(11)~~ "Police officer" means any person who is elected, appointed, or employed full time by ~~a any~~ municipality, who is certified or required to be certified as a law enforcement officer in compliance with s. 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. ~~The term This definition~~ includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not

include part-time law enforcement officers or auxiliary law enforcement officers as ~~those terms the same~~ are defined in s. 943.10~~(6) and (8), respectively.~~ For the purposes of this chapter only, the term also includes ~~"police officer" also shall include~~ a public safety officer who is responsible for performing both police and fire services. Any plan may provide that the police chief shall have an option to participate, ~~or not,~~ in that plan.

~~(17)(12)~~ "Police Officers' Retirement Trust Fund" means a trust fund, by whatever name known, as provided under s. 185.03 for the purpose of assisting municipalities in establishing and maintaining a retirement plan for police officers.

~~(18)(13)~~ "Retiree" or "retired police officer" means a police officer who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a police officer who enters ~~the~~ DROP ~~is shall be~~ considered a retiree for all purposes of the plan. However, a police officer who enters ~~the~~ DROP and who is otherwise eligible to participate ~~may shall not thereby~~ be precluded from participating, or continuing to participate, in a supplemental plan in existence on, or created after, March 12, 1999 the effective date of this act.

~~(19)(14)~~ "Retirement" means a police officer's separation from ~~municipal~~ city employment as a police officer with immediate eligibility for ~~receipt of~~ benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), "retirement" means the date a police officer enters ~~the~~ DROP.

(20) "Special act plan" means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

(21) "Special benefits" means benefits provided in a defined contribution plan for police officers.

~~(22)(15)~~ "Supplemental plan" means a plan to which deposits of the premium tax moneys as provided in s. 185.08 are made to provide ~~special extra~~ benefits to police officers, or police officers and firefighters ~~if both are where~~ included, ~~under this chapter.~~ Such a plan is an element of a local law plan and exists in conjunction with a defined benefit ~~component plan~~ that meets the minimum benefits and minimum standards of this chapter. Any supplemental plan in existence on March 1, 2014, shall be deemed to be a defined contribution plan in compliance with s. 185.35(6).

~~(23)(16)~~ "Supplemental plan municipality" means ~~a any~~ local law municipality in which ~~there existed~~ a supplemental plan ~~existed~~ as of December 1, 2000.

Section 18. Subsection (6) of section 185.06, Florida Statutes, is amended to read:

185.06 General powers and duties of board of trustees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(6) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

(a) Employ independent legal counsel at the pension fund's expense.

(b) Employ an independent enrolled actuary, as defined in s. 185.02~~(8)~~, at the pension fund's expense.

(c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund's expense.

If the board chooses to use the municipality's or special district's legal counsel or actuary, or chooses to use any of the municipality's other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 19. Paragraph (d) of subsection (1) of section 185.07, Florida Statutes, is amended to read:

185.07 Creation and maintenance of fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) The municipal police officers' retirement trust fund in each municipality described in s. 185.03 shall be created and maintained in the following manner:

(d) By payment by the municipality or other sources of a sum equal to the normal cost and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under ~~as provided in~~ part VII of chapter 112 after taking into account the amounts described in paragraphs (b), (c), (e), (f),

and (g) and the tax proceeds described in paragraph (a) which are used to fund defined benefit plan benefits.

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

Section 20. Subsection (2) of section 185.16, Florida Statutes, is amended to read:

185.16 Requirements for retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, any police officer who completes 10 or more years of creditable service as a police officer and attains age 55, or completes 25 years of creditable service as a police officer and attains age 52, and for such period has been a member of the retirement fund is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the city on or after the normal retirement date. In such event, for chapter plans and local law plans, payment of retirement income will be governed by the following provisions of this section:

(2)(a) The amount of the monthly retirement income payable to a police officer who retires on or after his or her normal retirement date shall be an amount equal to the number of the police officer's years of credited service multiplied by 2.75 ~~2~~ percent of his or her average final compensation. ~~However, if current state contributions pursuant to this chapter are not adequate to fund the additional benefits to meet the minimum requirements in this chapter, only increment increases shall be required as state moneys are adequate to provide. Such increments shall be provided as state moneys become available.~~

(b) Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a), or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2014, and is not required to increase the benefit to 2.75 percent of the average final compensation of a police officer for all years of credited service.

(c) Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a), or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, and that changes the percentage amount or maximum benefit limitation to 2.75 percent, or greater, of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a), may not thereafter decrease the percentage amount or maximum benefit limitation to less than 2.75 percent of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a).

Section 21. Section 185.35, Florida Statutes, is amended to read:

185.35 Municipalities ~~that have having~~ their own retirement ~~pension~~ plans for police officers. ~~For any municipality, chapter plan, local law municipality, or local law plan under this chapter,~~ In order for a municipality ~~that has its municipalities with their own retirement plan pension plans~~ for police officers, or for police officers and firefighters if both are included, to participate in the distribution of the tax fund established ~~under pursuant to~~ s. 185.08, a local law ~~plan plans~~ must meet the minimum benefits and minimum standards set forth in this chapter, except as provided in the mutual consent provisions in subsection (1)(g) with respect to the minimum benefits not met as of October 1, 2012.:

(1) If a municipality has a retirement ~~pension~~ plan for police officers, or for police officers and firefighters if both are included, which, in the opinion of the division, meets the minimum benefits and minimum standards set forth in this chapter, the board of trustees of the pension plan ~~must, as approved by a majority of police officers of the municipality, may:~~

(a) place the income from the premium tax in s. 185.08 in such ~~pension~~ plan for the sole and exclusive use of its police officers, or its police officers and firefighters if both are included, where it shall become an integral part of

that ~~pension~~ plan and ~~shall~~ be used to fund benefits as provided herein. Effective October 1, 2014, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2014:

(a) The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality.

(b) Of the additional premium tax revenues received which are in excess of the amount received for calendar year 2012, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality, and 50 percent must be placed in a defined contribution plan to fund special benefits.

(c) Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits. If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).

(d) Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits, and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan with any amount of accumulations in excess of the amount required to fund the unfunded actuarial liabilities being used to fund special benefits ~~pay extra benefits to the police officers included in that pension plan; or~~

(b) May place the income from the premium tax in s. 185.08 in a separate supplemental plan to pay extra benefits to the police officers, ~~or police officers and firefighters if included, participating in such separate supplemental plan.~~

(e) For a plan created after March 1, 2014, 50 percent of the insurance premium tax revenues shall be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.

(f) If a plan offers benefits in excess of the minimum benefits, excluding supplemental plan benefits in effect as of September 30, 2013, such benefits may be reduced if the plan continues to meet the minimum benefits and the minimum standards set forth in this chapter. The amount of insurance premium tax revenues previously used to fund benefits in excess of the minimum benefits, excluding additional premium tax revenues in an amount equal to the amount of additional premium tax revenues distributed to a supplemental plan for calendar year 2012, before the reduction must be used as provided in paragraph (b). However, benefits in excess of the minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent, or greater, of the average final compensation of a police officer, as provided in s. 185.16(2)(a), or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, as described in s. 185.16(2)(b).

(g) Notwithstanding any other provisions of paragraphs (a)-(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if none, by majority consent of the police officer members of the fund, and by consent of the municipality, provided that the plan continues to meet the minimum benefits and minimum standards of this chapter; however, a plan which operates pursuant to this paragraph and does not meet the minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level, but not less than that level, as was provided as of October 1, 2012, and all other benefit levels must continue to meet the minimum benefits. Such mutually agreed deviation shall continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative or, if none, by a majority of the police officer members of the fund, and the municipality. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2014, to be a deviation for which mutual consent has been granted.

(2) The premium tax provided by this chapter shall ~~in all cases~~ be used in its entirety to provide retirement ~~extra~~ benefits to police officers, or to police

officers and firefighters if both are included. ~~However, local law plans in effect on October 1, 1998, must comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 185.16(2). If a plan is in compliance with such minimum benefit provisions, as subsequent additional tax revenues become available, they shall be used to provide extra benefits. Local law plans created by special act before May 27, 1939, shall be deemed to comply with this chapter. For the purpose of this chapter, the term:~~

(a) ~~"Additional premium tax revenues" means revenues received by a municipality pursuant to s. 185.10 which exceed the amount received for calendar year 1997.~~

(b) ~~"Extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for police officers on March 12, 1999.~~

(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality or, where required ~~permitted~~, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held thereon. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

(4) Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) Section 185.02(6)(a) ~~185.02(4)(a)~~ does not apply, and a local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) A local law plan and a supplemental plan must continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

(c) ~~The election set forth in paragraph (1)(b) is deemed to have been made.~~

(5) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing and copies made available to the participants and to the general public.

(6) In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2014, for noncollectively bargained service, upon entering into a collective bargaining agreement on or after July 1, 2014, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution component may or may not receive any funding.

Rep. Caldwell moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 117**—A bill to be entitled An act relating to public retirement plans; amending ss. 185.03 and 185.08, F.S.; specifying applicability of ch. 185, F.S., to certain consolidated governments; providing that a consolidated government that has entered into an interlocal agreement to provide police protection services to a municipality within its boundaries is eligible to receive the premium taxes reported for the municipality under certain circumstances; authorizing the municipality receiving the police protection services to enact an ordinance levying the tax as provided by law; including certain consolidated governments under provisions authorizing imposition of a state excise tax on casualty insurance premiums covering certain property; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 7051**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 472.027, F.S.; directing the Board of Professional Surveyors and Mappers to adopt rules establishing specified standards of practice; amending s. 493.6108, F.S.; revising conditions relating to the examination of fingerprint records for private investigative, security, and repossession service licenses; amending s. 493.6113, F.S.; providing conditions for renewal of certain firearm licenses; amending s. 493.6115, F.S.; authorizing certain firearms licensees to carry specified handguns; amending s. 493.6305, F.S.; providing conditions under which certain licensees are authorized to carry concealed firearms; amending s. 501.016, F.S.; providing for consumer claims against certain bonds posted by health studios; amending s. 501.059, F.S.; prohibiting telephone solicitation of certain donors; repealing s. 501.143, F.S., relating to the Dance Studio Act; amending s. 501.603, F.S.; defining the term "novelty payment"; amending s. 501.611, F.S.; providing for consumer claims against certain bonds posted by commercial telephone sellers; amending s. 501.616, F.S.; prohibiting commercial telephone sellers from accepting specified payments; amending s. 501.913, F.S.; providing for expiration of antifreeze registration certificates; amending s. 525.16, F.S.; revising administrative fine provisions for gasoline and oil proprietors; creating s. 526.015, F.S.; prohibiting the sale and distribution of certain lubricating oil; amending s. 526.50, F.S.; deleting the definition of the term "permit year"; amending s. 526.51, F.S.; revising provisions for issuance and renewal of permits to sell brake fluid; amending s. 539.001, F.S.; providing for consumer claims against certain bonds posted by pawnbroking licensees; revising administrative fine and civil penalty provisions for pawnbroking licensees; providing requirements for certain weight descriptions; amending s. 559.929, F.S.; providing for consumer claims against certain bonds posted by sellers of travel; amending s. 943.059, F.S.; requiring the subject of a sealed criminal history record to provide such information when applying for a concealed weapon or concealed firearm permit; providing applicability; amending ss. 205.1969, 472.025, 501.015, 627.7842, and 718.104, F.S.; conforming provisions to changes made by the act; providing an appropriation; providing effective dates.

—was read the second time by title.

Representative La Rosa offered the following:

(Amendment Bar Code: 376327)

**Amendment 1 (with title amendment)**—Remove lines 721-808

#### TITLE AMENDMENT

Remove lines 38-39 and insert:  
provisions for pawnbroker licensees; amending

Rep. La Rosa moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 7147**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 377.6015, F.S.; removing a provision relating to the department's duty to represent the state in the Southern States Energy Compact; amending s. 377.703, F.S.; requiring the department's annual report to include recommendations for energy efficiency; revising provisions relating to the promotion of the development and use of renewable energy resources; directing the department to cooperate with the Florida Energy Systems Consortium in the development and use of renewable energy resources; amending s. 377.712, F.S.; authorizing the Commissioner of Agriculture to serve on or appoint a representative to the Southern States Energy Board; redirecting authority to approve proposed activities relating to the Southern States Energy Compact from the Department of Health to the department; amending s. 377.801, F.S.; conforming a cross-reference; amending ss. 377.802 and 377.803, F.S.;



conforming provisions to changes made by the act; creating s. 377.815, F.S.; authorizing the department to post on its website information relating to alternative fueling stations and electric vehicle charging stations; defining the term "alternative fuel"; authorizing the owner or operator of an alternative fueling station or an electric vehicle charging station to report certain information; amending s. 553.74, F.S.; providing for the appointment of a department representative to the Florida Building Commission; deleting obsolete provisions; repealing ss. 377.806 and 377.807, F.S., relating to the Solar Energy System Incentives Program and the energy-efficient appliance rebate program, respectively; providing an effective date.

—was read the second time by title.

Representative Dudley offered the following:

(Amendment Bar Code: 969103)

**Amendment 1 (with title amendment)**—Between lines 121 and 122, insert:

Section 3. Subsection (4) of section 377.705, Florida Statutes, is amended to read:

377.705 Solar Energy Center; development of solar energy standards.—

(4) AUTHORITY OF THE FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS, REQUIRE DISCLOSURE, SET TESTING FEES.—

(a) The center may ~~shall~~ develop and adopt ~~promulgate~~ standards for solar energy systems manufactured or sold in this state based on the best currently available information and may ~~shall~~ consult with scientists, engineers, or persons in research centers who are engaged in the construction of, experimentation with, and research of solar energy systems to properly identify the most reliable designs and types of solar energy systems.

(b) The center may ~~shall~~ establish criteria for testing the performance of solar energy systems and may ~~shall~~ maintain the necessary capability for testing or evaluating the performance of solar energy systems. The center may accept results of tests on solar energy systems made by other organizations, companies, or persons if ~~when~~ such tests are conducted according to the criteria established by the center and when the testing entity has no vested interest in the manufacture, distribution, or sale of solar energy systems.

(c) The center may establish and collect shall be entitled to receive a testing fee sufficient to cover the costs of such testing. ~~All testing fees shall be transmitted by the center to the Chief Financial Officer to be deposited in the Solar Energy Center Testing Trust Fund, which is hereby created in the State Treasury, and disbursed for the payment of expenses incurred in testing solar energy systems.~~

(d) ~~All solar energy systems manufactured or sold in the state must meet the standards established by the center and shall display accepted results of approved performance tests in a manner prescribed by the center.~~

#### TITLE AMENDMENT

Remove line 13 and insert:

resources; amending s. 377.705, F.S.; providing that the Solar Energy Center may, rather than must, develop standards for solar energy systems manufactured or sold in this state; providing that the center may, rather than must, establish criteria for testing the performance of solar energy systems; providing that the center may, rather than must, receive a fee for testing the performance of solar energy systems; removing the requirement that all solar energy systems manufactured or sold in this state must meet the standards established by the Florida Solar Energy Center; amending s. 377.712, F.S.; authorizing the

Rep. Dudley moved the adoption of the amendment, which failed of adoption.

Representative Diaz, J. offered the following:

(Amendment Bar Code: 287969)

**Amendment 2 (with title amendment)**—Remove line 149 and insert: member appointed by the Governor Department of Health.

#### TITLE AMENDMENT

Remove line 18 and insert:

the Department of Health to a specified member of the board; amending

Rep. J. Diaz moved the adoption of the amendment, which was adopted.

Representative Rehwinkel Vasilinda offered the following:

(Amendment Bar Code: 070707)

**Amendment 3 (with title amendment)**—Between lines 353 and 354, insert:

Section 10. Electromagnetic pulse attacks and geomagnetic storm events.—

(1)(a) The Legislature finds that it is in the public interest to include defense against electromagnetic pulse attacks and geomagnetic storm events in its preparedness planning because such attacks and events lie within the full range of risks, threats, and hazards confronting the state and are areas of vital concern with regard to the state's energy policy and emergency and disaster preparedness.

(b) The Legislature finds that it is in the public interest to educate Floridians about the threat of electromagnetic pulse attacks because such attacks could cause massive loss of electric power and disruption to telecommunications and other vital services, including health, safety, food, and transportation services, which depend on reliable electric power.

(c) The Legislature further finds that it is in the public interest to encourage municipalities and private industry to educate themselves on the consequences of electromagnetic pulse attacks and geomagnetic storms, to examine critical vulnerabilities in their infrastructures, and to prepare for massive disruptions that could be caused by electromagnetic pulse attacks and geomagnetic storms.

(2) The Office of Energy within the Department of Agriculture and Consumer Services, in coordination with other relevant agencies and stakeholders identified by the department, shall develop preparedness recommendations for the public regarding the type and quantity of supplies, including food, water, and medical supplies, that each person in the state should possess in preparation for an electromagnetic pulse attack or geomagnetic storm event. The preparedness recommendations shall be posted on the Division of Emergency Management's website. The division, in coordination with the department, shall convene an annual conference to assess and promote the state's preparedness against electromagnetic pulse attacks and geomagnetic storm events.

#### TITLE AMENDMENT

Between lines 34 and 35, insert:

providing legislative findings with regard to preparedness against electromagnetic pulse attacks and geomagnetic storm events; directing the Office of Energy within the department, in coordination with other relevant agencies and stakeholders, to develop preparedness recommendations for the public; requiring that such recommendations be posted on the Division of Emergency Management's website; directing the division, in coordination with the department, to convene an annual conference to assess and promote the state's preparedness against electromagnetic pulse attacks and geomagnetic storm events;

Rep. Rehwinkel Vasilinda moved the adoption of the amendment, which failed of adoption.

Representative Diaz, J. offered the following:

(Amendment Bar Code: 385125)

**Amendment 4 (with title amendment)**—Between lines 353 and 354, insert:

Section 10. Qualified energy conservation bond allocation.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Eligible issuer" means an entity that is created under or pursuant to the constitution or laws of this state and that is authorized by this state to issue bonds or enter into a lease-purchase agreement, or any other entity in this state authorized to issue qualified energy conservation bonds pursuant to the Internal Revenue Code.

(b) "Office" means the Office of Energy within the Department of Agriculture and Consumer Services.

(c) "Qualified energy conservation bond" means a bond described in 26 U.S.C. s. 54D(a).

(d) "Qualified project" means a project permitted to be financed pursuant to 26 U.S.C. s. 54D(f).

(2) ALLOCATION OF STATE VOLUME LIMITATION.—

(a) The office shall establish an allocation program for allocating or reallocating the qualified energy conservation bond volume limitation provided by 26 U.S.C. s. 54D. The allocation program must provide notification of all mandatory allocations required or authorized pursuant to the Internal Revenue Code.

1. All mandatory allocations pursuant to 26 U.S.C. s. 54D(e)(2)(A) shall be allocated to eligible issuers as provided for therein.

2. An eligible issuer receiving a mandatory allocation pursuant to subparagraph 1. may elect to reallocate all or any portion of its allocation back to the state pursuant to 26 U.S.C. s. 54D(e)(2)(B).

(b) The office may reallocate to eligible issuers in the state any allocation that was retained by the state from the original federal allocation or any allocation that is waived by an eligible issuer pursuant to subparagraph (a)2.

(c) Each eligible issuer receiving an allocation shall notify the department in writing of the amount of bonds issued and any other information relating to the bonds or the allocation at such time and in such manner as is required by the office.

(d) A bond subject to the limitations provided in 26 U.S.C. s. 54D may not be issued in this state unless issued pursuant to this section.

(3) INFORMATION AVAILABILITY.—The office shall determine the amount of qualified energy conservation bond allocations for each qualified issuer in this state under 26 U.S.C. s. 54D and shall make such information available upon request to any person or agency.

#### TITLE AMENDMENT

Between lines 34 and 35, insert:  
providing definitions; directing the Office of Energy within the Department of Agriculture and Consumer Services to establish a program for allocating or reallocating a federal qualified energy conservation bond volume limitation; providing program requirements;

Rep. J. Diaz moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 343**—A bill to be entitled An act relating to the rental car surcharge; amending s. 212.0606, F.S.; providing an alternative surcharge for use of a motor vehicle pursuant to an agreement with a car-sharing service for less than a specified number of consecutive hours; defining the term "car-sharing service"; providing applicability; providing an effective date.

—was read the second time by title.

Representative Nuñez offered the following:

(Amendment Bar Code: 828717)

**Amendment 1**—Remove line 26 and insert:  
a surcharge of \$1 per usage. A member of a car-sharing

Rep. Nuñez moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 7055**—A bill to be entitled An act relating to juvenile justice; amending ss. 985.01 and 985.02, F.S.; revising legislative purposes and intent; amending s. 985.03, F.S.; revising definitions; amending s. 985.0301, F.S.; clarifying jurisdictional age restrictions for children in the juvenile justice system; restricting when cases may be transferred to a different jurisdiction; amending s. 985.037, F.S.; providing for the placement of a child in a secure detention facility for contempt of court; providing due process to a child accused of direct contempt; revising the procedure for reviewing a child's placement in secure detention for contempt of court; amending ss. 985.039, 985.045, and 985.101, F.S.; conforming provisions; repealing s. 985.105, F.S., relating to the creation, duties, and qualifications of the youth custody officers in the Department of Juvenile Justice; amending s. 985.11, F.S.; revising when fingerprints must be submitted to the Department of Law Enforcement; amending s. 985.14, F.S.; revising the intake process; amending s. 985.145, F.S.; substituting "Department of Juvenile Justice" for references to "juvenile probation officer"; creating s. 985.17, F.S.; providing legislative intent; requiring the department to provide specialized services to minimize the likelihood that youth will enter the juvenile justice system; providing for the department to promote the Invest in Children license plate to help fund prevention programs and services; providing for the department to monitor state-funded programs, grants, contracts, appropriations, and activities designed to prevent juvenile crime and report annually on these measures; limiting expenditure of funds to those prevention services that are consistent with the law and maximize public accountability; amending s. 985.24, F.S.; revising factors to determine if the use of detention care is appropriate; authorizing the department to establish nonsecure, nonresidential evening reporting centers; conforming provisions; amending s. 985.245, F.S.; conforming provisions; amending s. 985.25, F.S.; requiring a child to be held in secure detention under certain circumstances; clarifying procedures for releasing a child before the child's detention hearing; conforming provisions; amending s. 985.255, F.S.; providing that a child shall be given a detention hearing within 24 hours after being taken into custody; clarifying when a court may order continued detention care; revising specified factors for ordering continued detention care; clarifying when a child charged with domestic violence can be held in secure detention; revising written findings required to retain a child charged with domestic violence in secure detention; deleting obsolete provisions; amending s. 985.26, F.S.; conforming terminology; amending s. 985.265, F.S.; revising procedures for transferring a child to another detention status; providing new notification requirements for when a child is released or transferred from secure detention; revising the frequency of physical observation checks for children detained in jail facilities; amending s. 985.27, F.S.; requiring a child to be held in secure detention pending placement in a high-risk or maximum-risk residential program; conforming provisions; amending s. 985.275, F.S.; requiring the department to notify specified parties when a child absconds from a commitment program; requiring the department to make every reasonable effort to locate the absconded child; amending s. 985.433, F.S.; revising the content of a predisposition report; conforming terminology; amending s. 985.435, F.S.; authorizing a probation program to include an alternative consequence component that may be used to address noncompliance with the technical conditions of probation; requiring the department to identify a child's risk of reoffending if the child is being placed on probation or postcommitment probation; amending s. 985.439, F.S.; authorizing the department to establish alternative sanctions for violations of probation or postcommitment probation; conforming terminology; amending s. 985.441, F.S.; providing that a child on probation for certain offenses may not be committed for a probation violation that is technical in nature; conforming terminology; amending s. 985.46, F.S.; revising the definition of the term "conditional release"; revising terminology; amending s. 985.461, F.S.; expanding the opportunity for transition-to-adulthood services to all children; revising provisions that the department may use to support participation in transition-to-adulthood services; conforming terminology; amending ss. 985.481 and 985.4815, F.S.; deleting obsolete provisions; amending s. 985.514, F.S.; conforming provisions; amending s. 985.601, F.S.; requiring

the department's programs to include trauma-informed care, family engagement resources and programs, and gender-specific programming; authorizing the department to pay the expenses of programs and activities that address the needs and well-being of children in its care or under its supervision; conforming terminology; repealing ss. 985.605, 985.606, and 985.61, F.S.; deleting provisions relating to prevention services programs and providers and early delinquency intervention programs; amending s. 985.632, F.S.; providing for the establishment of a performance accountability system for contract providers; revising definitions; providing for the development of a Comprehensive Accountability Report; requiring the department to prepare and submit the report annually to the Governor and Legislature; specifying content that must be included in the report; revising provisions relating to the cost-effectiveness model and quality improvement; amending s. 985.644, F.S.; clarifying an exemption for specified certified law enforcement, correctional, and correctional probation officers relating to a requirement to submit to level 2 background screenings; creating s. 985.6441, F.S.; providing definitions; limiting the amount that the department may pay a hospital or health care provider for health care services based on a percentage of the Medicare allowable rate; providing applicability; amending s. 985.66, F.S.; revising specified juvenile justice staff development and training procedures; expanding application of training requirements to contract providers who care for children in the department's custody; amending s. 985.664, F.S.; deleting obsolete provisions relating to the initial selection of the juvenile justice circuit advisory board chairs; revising procedures for appointing juvenile justice circuit advisory board chairs; providing that chairs serve at the pleasure of the secretary; amending s. 985.672, F.S.; clarifying language concerning expenditures of the direct-support organization's funds; authorizing the direct-support organization to use department personnel services; defining the term "personnel services"; amending s. 985.682, F.S.; deleting obsolete provisions regarding a comprehensive study relating to the siting of facilities; amending s. 985.69, F.S.; providing for the use of specified funds for repair and maintenance; repealing s. 985.694, F.S.; deleting a provision relating to the Juvenile Care and Maintenance Trust Fund; amending s. 985.701, F.S.; defining the term "juvenile offender" for purposes of prohibiting sexual misconduct with juvenile offenders; creating s. 985.702, F.S.; providing definitions; providing for the imposition of criminal penalties against specified employees who inflict neglect upon juvenile offenders; providing enhanced penalties for such treatment that results in great bodily harm, permanent disability, or permanent disfigurement to a juvenile offender; specifying that such conduct constitutes sufficient cause for an employee's dismissal from employment; prohibiting such employee from future employment with the juvenile justice system; providing incident reporting requirements; prohibiting an employee who witnesses such an incident from knowingly or willfully failing to report such incident; prohibiting false reporting, preventing another from reporting, or coercing another to alter testimony or reports; providing criminal penalties; amending s. 985.721, F.S.; correcting a cross-reference; amending s. 943.0582, F.S.; clarifying that minors are not eligible for expunction if they have been charged by a state attorney for other crimes; repealing s. 945.75, F.S.; deleting a requirement that the Department of Corrections and counties develop programs under which a judge may order juveniles who have committed delinquent acts to tour correctional facilities; amending ss. 121.0515, 316.635, and 318.143, F.S.; conforming provisions and correcting cross-references; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 797**—A bill to be entitled An act relating to clerks of court; amending s. 40.32, F.S.; authorizing jurors and witnesses to be paid by check; amending s. 77.27, F.S.; conforming a provision to changes made by the act; amending s. 77.28, F.S.; requiring a party applying for garnishment to pay a deposit to the garnishee, rather than in the registry of the court; deleting a provision that requires the clerk to collect a specified fee; amending s. 197.432, F.S.; providing requirements for the sale of tax certificates; amending s. 197.472, F.S.; revising requirements for the redemption of tax certificates; amending s. 197.502, F.S.; requiring the certificateholder to pay

costs of resale within a specified number of days under certain circumstances; providing circumstances under which land shall be placed on a specified list; deleting a provision relating to a notification procedure; amending s. 197.542, F.S.; requiring the certificateholder to pay a specified amount of the assessed value of the homestead under certain circumstances; providing circumstances under which land shall be placed on a specified list; amending s. 197.582, F.S.; clarifying notice requirements; providing for excess proceeds relating to unclaimed property; requiring the clerk to ensure that excess funds are paid according to specified priorities; providing for interpleader actions and the award of reasonable fees and costs; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 863**—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.066, F.S.; specifying that the required statement must be completed and sworn to for each confidential crash report requested; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/CS/HB 865**—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public records requirements for certain personal contact information contained in motor vehicle crash reports; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

#### THE SPEAKER IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

#### Remarks

The Speaker recognized Representative Hood, who gave brief farewell remarks.

**CS/CS/CS/HB 807**—A bill to be entitled An act relating to residential properties; amending s. 509.013, F.S.; revising the definition of the term "public lodging establishment"; amending s. 509.032, F.S.; providing that timeshare projects are not subject to annual inspection requirements; amending s. 509.221, F.S.; providing nonapplicability of certain public lodging establishment requirements to timeshare projects; amending s. 509.241, F.S.; providing that a condominium association that does not own any units classified as timeshare projects is not required to apply for or receive a public lodging establishment license; amending s. 509.242, F.S.; revising the definition of the term "public lodging establishment" to include a "timeshare project"; deleting reference to the term "timeshare plan" in the definition of "vacation rental"; defining the term "timeshare project"; amending s. 509.251, F.S.; providing that timeshare projects within separate buildings or at separate locations but managed by one licensed agent may be combined in a single license application; amending s. 712.05, F.S.; clarifying existing law relating to notification for purposes of preserving marketable title; amending s. 718.111, F.S.; authorizing an association to inspect and repair abandoned condominium units; providing conditions to determine if a unit is abandoned; providing a mechanism for an association to recover costs associated with maintaining an abandoned unit; providing that in the absence of an insurable event, the association or unit owners are responsible for repairs; providing that an owner may consent in writing to the disclosure of certain contact information; requiring an outgoing condominium association board or committee member to relinquish all official records and property of the association within a specified time; providing a civil penalty for failing to relinquish such records and property; amending s. 718.112, F.S.; providing that a board or committee member's participation in a meeting via real-time videoconferencing, Internet-enabled videoconferencing, or similar electronic

or video communication counts toward a quorum and that such member may vote as if physically present; prohibiting the board from voting via e-mail; repealing s. 718.50151, F.S., relating to the Community Association Living Study Council and membership functions; amending s. 718.707, F.S.; extending the date by which a condominium parcel must be acquired in order for a person to be classified as a bulk assignee or bulk buyer; amending s. 719.104, F.S.; providing that an owner may consent in writing to the disclosure of certain contact information; requiring an outgoing cooperative association board or committee member to relinquish all official records and property of the association within a specified time; providing a civil penalty for failing to relinquish such records and property; providing dates by which financial reports for an association must be completed; specifying that members must receive copies of financial reports; requiring specific types of financial statements for associations of varying sizes; providing exceptions; providing a mechanism for waiving or increasing financial reporting requirements; amending s. 719.106, F.S.; providing for suspension from office of a director or officer who is charged with one or more of certain felony offenses; providing procedures for filling such vacancy or reinstating such member under specific circumstances; providing a mechanism for a person who is convicted of a felony to be eligible for board membership; creating s. 719.128, F.S.; providing emergency powers of a cooperative association; amending s. 720.303, F.S.; providing that an owner may consent in writing to the disclosure of certain contact information; amending s. 720.306, F.S.; providing for specified notice to members in lieu of copies of an amendment; creating s. 720.316, F.S.; providing emergency powers of a homeowners' association; providing an effective date.

—was read the second time by title.

Representative Moraitis offered the following:

(Amendment Bar Code: 367497)

**Amendment 1**—Remove line 364 and insert:  
jurisdiction to appoint a receiver to lease out an

Rep. Moraitis moved the adoption of the amendment, which was adopted.

Representative Moraitis offered the following:

(Amendment Bar Code: 201487)

**Amendment 2 (with title amendment)**—Between lines 656 and 657, insert:

Section 10. Paragraph (a) of subsection (1) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(1)(a) A unit owner, regardless of how his or her title has been acquired, including by purchase at a foreclosure sale or by deed in lieu of foreclosure, is liable for all assessments which come due while he or she is the unit owner. Additionally, a unit owner is jointly and severally liable with the previous owner for all unpaid assessments that came due up to the time of transfer of title. This liability is without prejudice to any right that the present unit owner may have to recover from the previous owner the amounts paid by the present unit owner. For purposes of this paragraph, the term "previous owner" does not include an association that acquires title to a delinquent property through foreclosure or by deed in lieu of foreclosure. The present unit owner's liability for unpaid assessments is limited to any unpaid assessments that accrued before the association acquired title to the delinquent property through foreclosure or by deed in lieu of foreclosure.

#### TITLE AMENDMENT

Remove line 45 and insert:

the board from voting via e-mail; amending s. 718.116, F.S.; revising provisions for the liability of condominium unit owners for unpaid assessments; limiting the liability of a present unit owner and the association

for unpaid assessments in certain circumstances in which the association was the previous owner; repealing s.

Rep. Moraitis moved the adoption of the amendment.

Representative Moraitis offered the following:

(Amendment Bar Code: 615951)

**Substitute Amendment 2 (with title amendment)**—Between lines 656 and 657, insert:

Section 10. Paragraph (a) of subsection (1) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(1)(a) A unit owner, regardless of how his or her title has been acquired, including by purchase at a foreclosure sale or by deed in lieu of foreclosure, is liable for all assessments which come due while he or she is the unit owner. Additionally, a unit owner is jointly and severally liable with the previous owner for all unpaid assessments that came due up to the time of transfer of title. This liability is without prejudice to any right the owner may have to recover from the previous owner the amounts paid by the owner. For the purposes of this paragraph, the term "previous owner" does not include an association that acquires title to a delinquent property through foreclosure or by deed in lieu of foreclosure. A present unit owner's liability for unpaid assessments is limited to any unpaid assessments that accrued before the association acquired title to the delinquent property through foreclosure or by deed in lieu of foreclosure.

#### TITLE AMENDMENT

Remove line 45 and insert:

the board from voting via e-mail; amending s. 718.116, F.S.; defining the term "previous owner" for purposes of provisions relating to the liability of condominium unit owners for assessments; limiting the present owner's liability for unpaid assessments under specified circumstances; repealing s.

Rep. Moraitis moved the adoption of the substitute amendment, which was adopted.

Representative Zimmermann offered the following:

(Amendment Bar Code: 102057)

**Amendment 3 (with title amendment)**—Between lines 656 and 657, insert:

Section 10. Subsection (9) of section 718.117, Florida Statutes, is amended to read:

718.117 Termination of condominium.—

(9) PLAN OF TERMINATION.—The plan of termination must be a written document executed in the same manner as a deed by unit owners having the requisite percentage of voting interests to approve the plan and by the termination trustee. A copy of the proposed plan of termination shall be given to all unit owners, in the same manner as for notice of an annual meeting, at least 14 days prior to the meeting at which the plan of termination is to be voted upon or prior to or simultaneously with the distribution of the solicitation seeking execution of the plan of termination or written consent to or joinder in the plan. A unit owner may document assent to the plan by executing the plan or by consent to or joinder in the plan in the manner of a deed. A plan of termination and the consents or joinders of unit owners and, if required, consents or joinders of mortgagees must be recorded in the public records of each county in which any portion of the condominium is located. The plan is effective only upon recordation or at a later date specified in the plan. If the plan of termination fails to receive the required approval, the plan shall not be recorded and a new attempt to terminate the condominium may not be proposed at a meeting or by solicitation for joinder and consent for 180 days after the date that such failed plan of termination was first proposed.

## TITLE AMENDMENT

Remove line 45 and insert:

the board from voting via e-mail; amending s. 718.117, F.S.; prohibiting a new attempt to terminate a condominium from being proposed for a specified period if a plan of termination fails to receive the required approval; repealing s.

Rep. Zimmermann moved the adoption of the amendment.

Representative Zimmermann offered the following:

(Amendment Bar Code: 682805)

**Amendment 1 to Amendment 3**—Remove line 29 of the amendment and insert:

that such failed plan of termination was first given to all unit owners in the manner as provided in this subsection.

Rep. Zimmermann moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 3**, as amended, which was adopted.

Representative Gaetz offered the following:

(Amendment Bar Code: 828553)

**Amendment 4 (with title amendment)**—Remove lines 1065-1171 and insert:

Section 15. Paragraph (a) of subsection (2) and paragraph (c) of subsection (5) of section 720.303, Florida Statutes, are amended to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(2) BOARD MEETINGS.—

(a) A meeting of the board of directors of an association occurs whenever a quorum of the board gathers to conduct association business. ~~All~~ Meetings of the board must be open to all members, except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege. A meeting of the board must be held at a location that is accessible to a physically handicapped person if requested by a physically handicapped person who has a right to attend the meeting. The provisions of this subsection shall also apply to the meetings of any committee or other similar body when a final decision will be made regarding the expenditure of association funds and to meetings of any body vested with the power to approve or disapprove architectural decisions with respect to a specific parcel of residential property owned by a member of the community.

(5) INSPECTION AND COPYING OF RECORDS.—The official records shall be maintained within the state for at least 7 years and shall be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or, at the option of the association, by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may

not charge a fee to a member or his or her authorized representative for the use of a portable device.

(c) The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less than one 8-hour business day per month. The association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The association may charge up to 25 cents per page for copies made on the association's photocopier. If the association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this paragraph, the following records are not accessible to members or parcel owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including, but not limited to, a record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel.

3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association or management company employee or budgetary or financial records that indicate the compensation paid to an association or management company employee.

4. Medical records of parcel owners or community residents.

5. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers ~~number~~ of each parcel owner. However, an owner may exclude his or her telephone numbers ~~number~~ from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

6. Any electronic security measure that is used by the association to safeguard data, including passwords.

7. The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

Section 16. Paragraphs (a) and (b) of subsection (1) of section 720.306, Florida Statutes, are amended to read:

720.306 Meetings of members; voting and election procedures; amendments.—

## (1) QUORUM; AMENDMENTS.—

(a) Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be 30 percent of the total voting interests. Unless otherwise provided in this chapter or in the articles of incorporation or bylaws, decisions that require a vote of the members must be made by the concurrence of at least a majority of the voting interests present, in person or by proxy, at a meeting at which a quorum has been attained. A meeting of the members must be held at a location that is accessible to a physically handicapped person if requested by a physically handicapped person who has a right to attend the meeting.

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**TITLE AMENDMENT**

Remove lines 73-75 and insert:

amending s. 720.303, F.S.; requiring a board meeting to be held at a location accessible to physically handicapped persons upon request of certain authorized persons; providing that an owner may consent in writing to the disclosure of certain contact information; amending s. 720.306, F.S.; requiring a meeting of the members to be held at a location accessible to physically handicapped persons upon request of certain authorized persons;

Rep. Gaetz moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 1089**—A bill to be entitled An act relating to Citizens Property Insurance Corporation; amending s. 627.351, F.S.; extending the date after which certain structures cease to be eligible for coverage by the corporation; providing an effective date.

—was read the second time by title.

Representative Raschein offered the following:

(Amendment Bar Code: 294697)

**Amendment 1 (with title amendment)**—Between lines 145 and 146, insert:

6. With respect to wind-only coverage for commercial lines residential condominiums, effective July 1, 2014, a condominium shall be deemed ineligible for coverage if 50 percent or more of the units are rented more than eight times in a calendar year for a rental agreement period of less than 30 days.

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**TITLE AMENDMENT**

Remove line 5 and insert:

eligible for coverage by the corporation; providing that a condominium is deemed ineligible for commercial residential wind-only coverage under certain conditions; providing an

Rep. Raschein moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **CS/CS/HB 1109** was temporarily postponed.

**CS/CS/HB 7037**—A bill to be entitled An act relating to residential communities; amending s. 468.431, F.S.; revising the term "community association management"; creating s. 468.4334, F.S.; providing that a community association manager is liable to the same extent as an officer or director; authorizing the indemnification of a community association manager or community association management firm under certain conditions; amending s. 718.116, F.S.; authorizing reasonable charges to be imposed for collection of a delinquent assessment; requiring a release of lien to be in a specific form; requiring a pre-foreclosure notice to be in a specific form; amending s. 718.121, F.S.; requiring a pre-lien notice to be in a specific form; amending s. 719.108, F.S.; authorizing reasonable charges to be imposed for collection of a delinquent assessment; deleting a provision

providing for the expiration of certain liens; revising notice requirements; requiring a pre-lien notice to be in a specific form; providing for execution and effect of lien; providing for the content of a recording notice; requiring a release of lien to be in a specific form; amending s. 720.3085, F.S.; requiring a release of lien to be in a specific form; authorizing reasonable charges to be imposed for collection of a delinquent assessment; requiring a pre-lien notice to be in a specific form; requiring a pre-foreclosure notice to be in a specific form; providing requirements for the execution of a claim of lien; providing an effective date.

—was read the second time by title.

REPRESENTATIVE HOOPER IN THE CHAIR

Representative Passidomo offered the following:

(Amendment Bar Code: 346035)

**Amendment 1 (with title amendment)**—Remove lines 72-98 and insert: 468.4334 Professional practice standards; liability.—

(1) A community association manager or a community association management firm are deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; and accounting for all funds.

(2)(a) A contract between a community association and a community association manager or a contract between a community association and a community association management firm may provide that the community association indemnifies and holds harmless the community association manager and the community association management firm for ordinary negligence resulting from the manager or management firm's act or omission that is the result of an instruction or direction of the community association. This paragraph does not preclude any other negotiated indemnity or hold harmless provision.

(b) Indemnification under paragraph (a) may not cover any act or omission that violates a criminal law; derives an improper personal benefit, either directly or indirectly; is grossly negligent; or is reckless, is in bad faith, is with malicious purpose, or is in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

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**TITLE AMENDMENT**

Remove lines 5-6 and insert:

providing powers and duties of community association managers and community association management firms;

Rep. Passidomo moved the adoption of the amendment.

Representative Metz offered the following:

(Amendment Bar Code: 133925)

**Amendment 1 to Amendment 1**—Remove line 15 of the amendment and insert: association; accounting for all funds; and not charging unreasonable or excessive fees.

Rep. Metz moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 681

Representative Hooper in the Chair.

Yeas—68

Adkins	Eisnaugle	McBurney	Renuart
Ahern	Fitzenhagen	Metz	Roberson, K.
Baxley	Fresen	Moraitis	Rodrigues, R.
Beshears	Gaetz	Nelson	Rooney
Bileca	Gonzalez	Nuñez	Santiago
Boyd	Goodson	Oliva	Saunders
Brodeur	Hager	Passidomo	Schenck
Broxson	Harrell	Patronis	Smith
Caldwell	Hill	Perry	Spano
Coley	Hood	Peters	Stone
Combee	Hooper	Pigman	Taylor
Corcoran	Hudson	Pilon	Tobia
Cummings	Hutson	Porter	Trujillo
Davis	Ingram	Raburn	Van Zant
Diaz, J.	La Rosa	Raschein	Weatherford
Diaz, M.	Magar	Raulerson	Wood
Eagle	Mayfield	Ray	Young

Nays—43

Antone	Fullwood	Pritchett	Stafford
Berman	Gibbons	Rader	Stark
Bracy	Jones, M.	Rangel	Steube
Campbell	Jones, S.	Reed	Stewart
Castor Dentel	Kerner	Rehwinkel Vasilinda	Torres
Clarke-Reed	Lee	Richardson	Waldman
Clelland	McGhee	Rodríguez, J.	Watson, B.
Cruz	Moskowitz	Rogers	Watson, C.
Danish	Murphy	Rouson	Williams, A.
Dudley	Pafford	Schwartz	Zimmermann
Edwards	Powell	Slosberg	

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative Moraitis offered the following:

(Amendment Bar Code: 831299)

**Amendment 2 (with title amendment)**—Remove lines 99-598 and insert: Section 3. Paragraph (d) is added to subsection (5) of section 718.116, Florida Statutes, and subsection (6) of that section is amended, to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(5)

(d) A release of lien must be in substantially the following form:

#### RELEASE OF LIEN

The undersigned lienor, in consideration of the final payment in the amount of \$...., hereby waives and releases its lien and right to claim a lien for unpaid assessments through ...., (year)...., recorded in the Official Records Book .... at Page ...., of the public records of .... County, Florida, for the following described real property:

UNIT NO. .... OF ...(NAME OF CONDOMINIUM)....  
A CONDOMINIUM AS SET FORTH IN THE  
DECLARATION OF CONDOMINIUM AND THE  
EXHIBITS ANNEXED THERETO AND FORMING  
A PART THEREOF, RECORDED IN OFFICIAL  
RECORDS BOOK ...., PAGE ...., OF THE PUBLIC  
RECORDS OF .... COUNTY, FLORIDA. THE  
ABOVE DESCRIPTION INCLUDES, BUT IS NOT  
LIMITED TO, ALL APPURTENANCES TO THE  
CONDOMINIUM UNIT ABOVE DESCRIBED,  
INCLUDING THE UNDIVIDED INTEREST IN THE  
COMMON ELEMENTS OF SAID CONDOMINIUM.

..(Signature of Authorized Agent)..

..(Print Name)..

..(Signature of Witness)..

..(Print Name)..

..(Signature of Witness)..

..(Print Name)..

Sworn to (or affirmed) and subscribed before me this .... day of ....., (year)....  
by ...(name of person making statement)....

..(Signature of Notary Public)..

..(Print, type, or stamp commissioned name of Notary Public)..

Personally Known.... OR Produced.... as identification.

After notice of contest of lien has been recorded, the clerk of the circuit court shall mail a copy of the recorded notice to the association by certified mail, return receipt requested, at the address shown in the claim of lien or most recent amendment to it and shall certify to the service on the face of the notice. Service is complete upon mailing. After service, the association has 90 days in which to file an action to enforce the lien; and, if the action is not filed within the 90-day period, the lien is void. However, the 90-day period shall be extended for any length of time during which the association is prevented from filing its action because of an automatic stay resulting from the filing of a bankruptcy petition by the unit owner or by any other person claiming an interest in the parcel.

(6)(a) The association may bring an action in its name to foreclose a lien for assessments in the manner a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien. The association is entitled to recover its reasonable attorney's fees incurred in either a lien foreclosure action or an action to recover a money judgment for unpaid assessments.

(b) No foreclosure judgment may be entered until at least 30 days after the association gives written notice to the unit owner of its intention to foreclose its lien to collect the unpaid assessments. The notice must be in substantially the following form:

#### DELINQUENT ASSESSMENT

This letter is to inform you a Claim of Lien has been filed  
against your property because you have not paid the  
...(type of assessment)... assessment to ...(name of  
association).... The association intends to foreclose the  
lien and collect the unpaid amount within 30 days of  
this letter being provided to you.

You owe the interest accruing from ...(month/year)... to  
the present. As of the date of this letter, the total amount  
due with interest is \$..... All costs of any action and  
interest from this day forward will also be charged to  
your account.

Any questions concerning this matter should be directed  
to ...(insert name, addresses, and telephone numbers of  
association representative)....

If this notice is not given at least 30 days before the foreclosure action is filed, and if the unpaid assessments, including those coming due after the claim of lien is recorded, are paid before the entry of a final judgment of foreclosure, the association shall not recover attorney's fees or costs. The notice must be given by delivery of a copy of it to the unit owner or by certified or registered mail, return receipt requested, addressed to the unit owner at his or her last known address; and, upon such mailing, the notice shall be deemed to have been given, and the court shall proceed with the foreclosure action and may award attorney's fees and costs as permitted by law. The notice requirements of this subsection are satisfied if the unit owner records a notice of contest of lien as provided in subsection (5). The notice requirements of this subsection do not apply if an action to foreclose a mortgage on the condominium unit is pending before any court; if the rights of the association would be affected by such foreclosure; and if actual, constructive, or substitute service of process has been made on the unit owner.

Section 4. Subsection (4) of section 718.121, Florida Statutes, is amended to read:

718.121 Liens.—

(4) Except as otherwise provided in this chapter, no lien may be filed by the association against a condominium unit until 30 days after the date on which a notice of intent to file a lien has been delivered to the owner by registered or certified mail, return receipt requested, and by first-class United States mail to the owner at his or her last address as reflected in the records of

the association, if the address is within the United States, and delivered to the owner at the address of the unit if the owner's address as reflected in the records of the association is not the unit address. If the address reflected in the records is outside the United States, sending the notice to that address and to the unit address by first-class United States mail is sufficient. Delivery of the notice shall be deemed given upon mailing as required by this subsection. The notice must be in substantially the following form:

NOTICE OF INTENT TO RECORD A CLAIM OF  
LIEN

RE: Unit .... of ...(name of association)...

The following amounts are currently due on your account to ...(name of association)...., and must be paid within 30 days after your receipt of this letter. This letter shall serve as the association's notice of intent to record a Claim of Lien against your property no sooner than 30 days after your receipt of this letter, unless you pay in full the amounts set forth below:

Maintenance due ...(dates)... \$.....  
Late fee, if applicable \$.....  
Interest through ...(dates)...\* \$.....  
Certified mail charges \$.....  
Other costs \$.....  
TOTAL OUTSTANDING \$.....

\*Interest accrues at the rate of \$.... per day.

Section 5. Subsections (3) and (4) of section 719.108, Florida Statutes, are amended to read:

719.108 Rents and assessments; liability; lien and priority; interest; collection; cooperative ownership.—

(3) Rents and assessments, and installments on them, not paid when due bear interest at the rate provided in the cooperative documents from the date due until paid. This rate may not exceed the rate allowed by law and, if a rate is not provided in the cooperative documents, accrues at 18 percent per annum. If the cooperative documents or bylaws so provide, the association may charge an administrative late fee in addition to such interest, not to exceed the greater of \$25 or 5 percent of each installment of the assessment for each delinquent installment that the payment is late. Any payment received by an association must be applied first to any interest accrued by the association, then to any administrative late fee, then to any costs and reasonable ~~attorney~~ attorney's fees incurred in collection, and then to the delinquent assessment. The foregoing applies notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. A late fee is not subject to chapter 687 or s. 719.303(4).

(4) The association has a lien on each cooperative parcel for any unpaid rents and assessments, plus interest, and any authorized administrative late fees. If authorized by the cooperative documents, the lien also secures reasonable ~~attorney~~ attorney's fees incurred by the association incident to the collection of the rents and assessments or enforcement of such lien. The lien is effective from and after recording a claim of lien in the public records in the county in which the cooperative parcel is located which states the description of the cooperative parcel, the name of the unit owner, the amount due, and the due dates. ~~The lien expires if a claim of lien is not filed within 1 year after the date the assessment was due, and the lien does not continue for longer than 1 year after the claim of lien has been recorded unless, within that time, an action to enforce the lien is commenced.~~ Except as otherwise provided in this chapter, a lien may not be filed by the association against a cooperative parcel until 30 days after the date on which a notice of intent to file a lien has been delivered to the owner.

(a) The notice must be sent to the unit owner at the address of the unit by first-class United States mail and the notice must be in substantially the following form:

NOTICE OF INTENT TO RECORD A CLAIM OF  
LIEN

RE: Unit ...(unit number)... of ...(name of cooperative)...

The following amounts are currently due on your account to ...(name of association)...., and must be paid within 30 days after your receipt of this letter. This letter shall serve as the association's notice of intent to record a Claim of Lien against your property no sooner than 30 days after your receipt of this letter, unless you pay in full the amounts set forth below:

Maintenance due ...(dates)... \$.....  
Late fee, if applicable \$.....  
Interest through ...(dates)...\* \$.....  
Certified mail charges \$.....  
Other costs \$.....  
TOTAL OUTSTANDING \$.....

\*Interest accrues at the rate of \$.... per day.

1. If the most recent address of the unit owner on the records of the association is the address of the unit, the notice must be sent by ~~registered or~~ certified mail, return receipt requested, to the unit owner at the address of the unit.

2. If the most recent address of the unit owner on the records of the association is in the United States, but is not the address of the unit, the notice must be sent by ~~registered or~~ certified mail, return receipt requested, to the unit owner at his or her most recent address.

3. If the most recent address of the unit owner on the records of the association is not in the United States, the notice must be sent by first-class United States mail to the unit owner at his or her most recent address.

(b) A notice that is sent pursuant to this subsection is deemed delivered upon mailing. A claim of lien must be executed and acknowledged by an officer or authorized agent of the association. The lien is not effective 1 year after the claim of lien was recorded unless, within that time, an action to enforce the lien is commenced. The 1-year period is automatically extended for any length of time during which the association is prevented from filing a foreclosure action by an automatic stay resulting from a bankruptcy petition filed by the parcel owner or any other person claiming an interest in the parcel. The claim of lien secures all unpaid rents and assessments that are due and that may accrue after the claim of lien is recorded and through the entry of a final judgment, as well as interest and all reasonable costs and attorney fees incurred by the association incident to the collection process. Upon payment in full, the person making the payment is entitled to a satisfaction of the lien.

(c) By recording a notice in substantially the following form, a unit owner or the unit owner's agent or attorney may require the association to enforce a recorded claim of lien against his or her cooperative parcel:

NOTICE OF CONTEST OF LIEN

TO: ...(Name and address of association)....:

You are notified that the undersigned contests the claim of lien filed by you on ...., ...(year)...., and recorded in Official Records Book .... at Page ...., of the public records of .... County, Florida, and that the time within which you may file suit to enforce your lien is limited to 90 days from the date of service of this notice. Executed this .... day of ...., ...(year)....  
Signed: ...(Owner or Attorney)...

After notice of contest of lien has been recorded, the clerk of the circuit court shall mail a copy of the recorded notice to the association by certified mail, return receipt requested, at the address shown in the claim of lien or most recent amendment to it and shall certify to the service on the face of the notice. Service is complete upon mailing. After service, the association has 90 days in which to file an action to enforce the lien. If the action is not filed within the 90-day period, the lien is void. However, the 90-day period shall be extended for any length of time during which the association is prevented from



filing its action because of an automatic stay resulting from the filing of a bankruptcy petition by the unit owner or by any other person claiming an interest in the parcel.

(d) A release of lien must be in substantially the following form:

#### RELEASE OF LIEN

The undersigned lienor, in consideration of the final payment in the amount of \$...., hereby waives and releases its lien and right to claim a lien for unpaid assessments through ...., (year)...., recorded in the Official Records Book .... at Page ...., of the public records of .... County, Florida, for the following described real property:

THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO. .... OF ..(NAME OF COOPERATIVE)...., A COOPERATIVE AS SET FORTH IN THE COOPERATIVE DOCUMENTS AND THE EXHIBITS ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED IN OFFICIAL RECORDS BOOK ...., PAGE ...., OF THE PUBLIC RECORDS OF .... COUNTY, FLORIDA.

..(Signature of Authorized Agent)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

Sworn to (or affirmed) and subscribed before me this .... day of ....., (year)...., by ... (name of person making statement)....

..(Signature of Notary Public)..

..(Print, type, or stamp commissioned name of Notary Public)..  
Personally Known.... OR Produced.... as identification.

Section 6. Paragraphs (d) and (e) of subsection (1) of section 720.3085, Florida Statutes, are redesignated as paragraphs (e) and (f), respectively, paragraph (a) of subsection (1), paragraph (b) of subsection (3), and subsections (4) and (5) are amended, and a new paragraph (d) is added to subsection (1) of that section, to read:

720.3085 Payment for assessments; lien claims.—

(1) When authorized by the governing documents, the association has a lien on each parcel to secure the payment of assessments and other amounts provided for by this section. Except as otherwise set forth in this section, the lien is effective from and shall relate back to the date on which the original declaration of the community was recorded. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the parcel is located. This subsection does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, including the lien for unpaid assessments created in this section, a priority that, by law, the lien, mortgage, or judgment did not have before July 1, 2008.

(a) To be valid, a claim of lien must state the description of the parcel, the name of the record owner, the name and address of the association, the assessment amount due, and the due date. The claim of lien secures all unpaid assessments that are due and that may accrue subsequent to the recording of the claim of lien and before entry of a certificate of title, as well as interest, late charges, and reasonable costs and ~~attorney attorney's~~ fees incurred by the association incident to the collection process. The person making payment is entitled to a satisfaction of the lien upon payment in full.

(d) A release of lien must be in substantially the following form:

#### RELEASE OF LIEN

The undersigned lienor, in consideration of the final payment in the amount of \$...., hereby waives and releases its lien and right to claim a lien for unpaid assessments through ...., (year)...., recorded in the Official Records Book .... at Page ...., of the public records of .... County, Florida, for the following described real property:

(PARCEL NO. .... OR LOT AND BLOCK)  
OF ...(subdivision name)...SUBDIVISION AS

SHOWN IN THE PLAT THEREOF, RECORDED AT PLAT BOOK ...., PAGE ...., OF THE OFFICIAL RECORDS OF ....COUNTY, FLORIDA.

(or insert appropriate metes and bounds description here)

..(Signature of Authorized Agent)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

Sworn to (or affirmed) and subscribed before me this .... day of ....., (year)...., by ... (name of person making statement)....

..(Signature of Notary Public)..

..(Print, type, or stamp commissioned name of Notary Public)..

Personally Known.... OR Produced.... as identification.

(3) Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, interest accrues at the rate of 18 percent per year.

(b) Any payment received by an association and accepted shall be applied first to any interest accrued, then to any administrative late fee, then to any costs and reasonable attorney ~~attorney's~~ fees incurred in collection, and then to the delinquent assessment. This

#### TITLE AMENDMENT

Remove lines 10-26 and insert:

718.116, F.S.; requiring a release of lien to be in a specific form; requiring a pre-foreclosure notice to be in a specific form; amending s. 718.121, F.S.; requiring a pre-lien notice to be in a specific form; amending s. 719.108, F.S.; deleting a provision providing for the expiration of certain liens; revising notice requirements; requiring a pre-lien notice to be in a specific form; providing for execution and effect of lien; providing for the content of a recording notice; requiring a release of lien to be in a specific form; amending s. 720.3085, F.S.; requiring a release of lien to be in a specific form; requiring a

Rep. Moraitis moved the adoption of the amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 682].

Representative Spano offered the following:

(Amendment Bar Code: 180789)

**Substitute Amendment 2**—Remove lines 115-592 and insert:

in connection with collecting a delinquent assessment. Such charges must be based on the actual time expended performing necessary services that are not duplicative. Fees for collection are not recoverable after referral of the matter to an association's legal counsel. Any payment received by an association must be applied first to any interest accrued by the association, then to any administrative late fee, then to any costs and reasonable ~~attorney attorney's~~ fees incurred in collection, then to any reasonable costs for collection services contracted by the association, and then to the delinquent assessment. The foregoing is applicable notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. A late fee is not subject to chapter 687 or s. 718.303(4).

(5)(a) The association has a lien on each condominium parcel to secure the payment of assessments. Except as otherwise provided in subsection (1) and as set forth below, the lien is effective from and shall relate back to the recording of the original declaration of condominium, or, in the case of lien on a parcel located in a phase condominium, the last to occur of the recording of the original declaration or amendment thereto creating the parcel. However, as to first mortgages of record, the lien is effective from and after recording of a

claim of lien in the public records of the county in which the condominium parcel is located. Nothing in this subsection shall be construed to bestow upon any lien, mortgage, or certified judgment of record on April 1, 1992, including the lien for unpaid assessments created herein, a priority which, by law, the lien, mortgage, or judgment did not have before that date.

(b) To be valid, a claim of lien must state the description of the condominium parcel, the name of the record owner, the name and address of the association, the amount due, and the due dates. It must be executed and acknowledged by an officer or authorized agent of the association. The lien is not effective 1 year after the claim of lien was recorded unless, within that time, an action to enforce the lien is commenced. The 1-year period is automatically extended for any length of time during which the association is prevented from filing a foreclosure action by an automatic stay resulting from a bankruptcy petition filed by the parcel owner or any other person claiming an interest in the parcel. The claim of lien secures all unpaid assessments that are due and that may accrue after the claim of lien is recorded and through the entry of a final judgment, as well as interest, authorized administrative late fees, and all reasonable costs and attorney attorney's fees incurred by the association incident to the collection process, including, but not limited to, any reasonable costs for collection services contracted by the association. Upon payment in full, the person making the payment is entitled to a satisfaction of the lien.

(c) By recording a notice in substantially the following form, a unit owner or the unit owner's agent or attorney may require the association to enforce a recorded claim of lien against his or her condominium parcel:

#### NOTICE OF CONTEST OF LIEN

TO: ...(Name and address of association)... You are notified that the undersigned contests the claim of lien filed by you on ....., ...(year)..., and recorded in Official Records Book .... at Page ....., of the public records of .... County, Florida, and that the time within which you may file suit to enforce your lien is limited to 90 days from the date of service of this notice. Executed this .... day of ....., ...(year)....

Signed: ...(Owner or Attorney)...

After notice of contest of lien has been recorded, the clerk of the circuit court shall mail a copy of the recorded notice to the association by certified mail, return receipt requested, at the address shown in the claim of lien or most recent amendment to it and shall certify to the service on the face of the notice. Service is complete upon mailing. After service, the association has 90 days in which to file an action to enforce the lien; and, if the action is not filed within the 90-day period, the lien is void. However, the 90-day period shall be extended for any length of time during which the association is prevented from filing its action because of an automatic stay resulting from the filing of a bankruptcy petition by the unit owner or by any other person claiming an interest in the parcel.

(d) A release of lien must be in substantially the following form:

#### RELEASE OF LIEN

The undersigned lienor, in consideration of the final payment in the amount of \$...., hereby waives and releases its lien and right to claim a lien for unpaid assessments through ....., ...(year)..., recorded in the Official Records Book .... at Page ....., of the public records of .... County, Florida, for the following described real property:

UNIT NO. .... OF ...(NAME OF CONDOMINIUM)..., A CONDOMINIUM AS SET FORTH IN THE DECLARATION OF CONDOMINIUM AND THE EXHIBITS ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED IN OFFICIAL RECORDS BOOK ...., PAGE ...., OF THE PUBLIC RECORDS OF .... COUNTY, FLORIDA. THE ABOVE DESCRIPTION INCLUDES, BUT IS NOT LIMITED TO, ALL APPURTENANCES TO THE CONDOMINIUM UNIT ABOVE DESCRIBED, INCLUDING THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS OF SAID CONDOMINIUM.

...(Signature of Authorized Agent).  
...(Print Name)..

...(Signature of Witness).  
...(Print Name)..

...(Signature of Witness)..  
...(Print Name)..

Sworn to (or affirmed) and subscribed before me this .... day of ....., ...(year)..., by ...(name of person making statement)....

...(Signature of Notary Public)..

...(Print, type, or stamp commissioned name of Notary Public)..

Personally Known.... OR Produced.... as identification.

(6)(a) The association may bring an action in its name to foreclose a lien for assessments in the manner a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien. The association is entitled to recover its reasonable attorney's fees incurred in either a lien foreclosure action or an action to recover a money judgment for unpaid assessments.

(b) No foreclosure judgment may be entered until at least 30 days after the association gives written notice to the unit owner of its intention to foreclose its lien to collect the unpaid assessments. The notice must be in substantially the following form:

#### DELINQUENT ASSESSMENT

This letter is to inform you a Claim of Lien has been filed against your property because you have not paid the ...(type of assessment)... assessment to ...(name of association)... The association intends to foreclose the lien and collect the unpaid amount within 30 days of this letter being provided to you.

You owe the interest accruing from ...(month/year)... to the present. As of the date of this letter, the total amount due with interest is \$.... All costs of any action and interest from this day forward will also be charged to your account.

Any questions concerning this matter should be directed to ...(insert name, addresses, and telephone numbers of association representative)....

If this notice is not given at least 30 days before the foreclosure action is filed, and if the unpaid assessments, including those coming due after the claim of lien is recorded, are paid before the entry of a final judgment of foreclosure, the association shall not recover attorney's fees or costs. The notice must be given by delivery of a copy of it to the unit owner or by certified or registered mail, return receipt requested, addressed to the unit owner at his or her last known address; and, upon such mailing, the notice shall be deemed to have been given, and the court shall proceed with the foreclosure action and may award attorney's fees and costs as permitted by law. The notice requirements of this subsection are satisfied if the unit owner records a notice of contest of lien as provided in subsection (5). The notice requirements of this subsection do not apply if an action to foreclose a mortgage on the condominium unit is pending before any court; if the rights of the association would be affected by such foreclosure; and if actual, constructive, or substitute service of process has been made on the unit owner.

Section 4. Subsection (4) of section 718.121, Florida Statutes, is amended to read:

718.121 Liens.—

(4) Except as otherwise provided in this chapter, no lien may be filed by the association against a condominium unit until 30 days after the date on which a notice of intent to file a lien has been delivered to the owner by registered or certified mail, return receipt requested, and by first-class United States mail to the owner at his or her last address as reflected in the records of the association, if the address is within the United States, and delivered to the owner at the address of the unit if the owner's address as reflected in the records of the association is not the unit address. If the address reflected in the records is outside the United States, sending the notice to that address and to the unit address by first-class United States mail is sufficient. Delivery of the notice shall be deemed given upon mailing as required by this subsection. The notice must be in substantially the following form:

NOTICE OF INTENT TO RECORD A CLAIM OF  
LIEN

RE: Unit .... of ...(name of association)...

The following amounts are currently due on your account to ...(name of association).... and must be paid within 30 days after your receipt of this letter. This letter shall serve as the association's notice of intent to record a Claim of Lien against your property no sooner than 30 days after your receipt of this letter, unless you pay in full the amounts set forth below:

Maintenance due ...(dates)... \$.....  
Late fee, if applicable \$.....  
Interest through ...(dates)...\* \$.....  
Certified mail charges \$.....  
Other costs \$.....  
TOTAL OUTSTANDING \$.....

\*Interest accrues at the rate of \$.... per day.

Section 5. Subsections (3) and (4) of section 719.108, Florida Statutes, are amended to read:

719.108 Rents and assessments; liability; lien and priority; interest; collection; cooperative ownership.—

(3) Rents and assessments, and installments on them, not paid when due bear interest at the rate provided in the cooperative documents from the date due until paid. This rate may not exceed the rate allowed by law and, if a rate is not provided in the cooperative documents, accrues at 18 percent per annum. If the cooperative documents or bylaws so provide, the association may charge an administrative late fee in addition to such interest, not to exceed the greater of \$25 or 5 percent of each installment of the assessment for each delinquent installment that the payment is late. The association may also recover from the unit owner any reasonable charges imposed upon the association under a written contract with its management or bookkeeping company, or collection agent, incurred in connection with collecting a delinquent assessment. Such charges must be based on the actual time expended performing necessary services that are not duplicative. Fees for collection are not recoverable after referral of the matter to an association's legal counsel. Any payment received by an association must be applied first to any interest accrued by the association, then to any administrative late fee, then to any costs and reasonable attorney attorney's fees incurred in collection, then to any reasonable costs for collection services contracted by the association, and then to the delinquent assessment. The foregoing applies notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. A late fee is not subject to chapter 687 or s. 719.303(4).

(4) The association has a lien on each cooperative parcel for any unpaid rents and assessments, plus interest, authorized administrative late fees and any reasonable costs for collection services contracted by the association, and any authorized administrative late fees. If authorized by the cooperative documents, the lien also secures reasonable attorney attorney's fees incurred by the association and all reasonable collection costs incident to the collection of the rents and assessments or enforcement of such lien. The lien is effective from and after recording a claim of lien in the public records in the county in which the cooperative parcel is located which states the description of the cooperative parcel, the name of the unit owner, the amount due, and the due dates. The lien expires if a claim of lien is not filed within 1 year after the date the assessment was due, and the lien does not continue for longer than 1 year after the claim of lien has been recorded unless, within that time, an action to enforce the lien is commenced. Except as otherwise provided in this chapter, a lien may not be filed by the association against a cooperative parcel until 30 days after the date on which a notice of intent to file a lien has been delivered to the owner.

(a) The notice must be sent to the unit owner at the address of the unit by first-class United States mail and the notice must be in substantially the following form:

NOTICE OF INTENT TO RECORD A CLAIM OF  
LIEN

RE: Unit ...(unit number)... of ...(name of cooperative)...

The following amounts are currently due on your account to ...(name of association).... and must be paid within 30 days after your receipt of this letter. This letter shall serve as the association's notice of intent to record a Claim of Lien against your property no sooner than 30 days after your receipt of this letter, unless you pay in full the amounts set forth below:

Maintenance due ...(dates)... \$.....  
Late fee, if applicable \$.....  
Interest through ...(dates)...\* \$.....  
Certified mail charges \$.....  
Other costs \$.....  
TOTAL OUTSTANDING \$.....

\*Interest accrues at the rate of \$.... per day.

1. If the most recent address of the unit owner on the records of the association is the address of the unit, the notice must be sent by ~~registered or~~ certified mail, return receipt requested, to the unit owner at the address of the unit.

2. If the most recent address of the unit owner on the records of the association is in the United States, but is not the address of the unit, the notice must be sent by ~~registered or~~ certified mail, return receipt requested, to the unit owner at his or her most recent address.

3. If the most recent address of the unit owner on the records of the association is not in the United States, the notice must be sent by first-class United States mail to the unit owner at his or her most recent address.

(b) A notice that is sent pursuant to this subsection is deemed delivered upon mailing. A claim of lien must be executed and acknowledged by an officer or authorized agent of the association. The lien is not effective 1 year after the claim of lien was recorded unless, within that time, an action to enforce the lien is commenced. The 1-year period is automatically extended for any length of time during which the association is prevented from filing a foreclosure action by an automatic stay resulting from a bankruptcy petition filed by the parcel owner or any other person claiming an interest in the parcel. The claim of lien secures all unpaid rents and assessments that are due and that may accrue after the claim of lien is recorded and through the entry of a final judgment, as well as interest and all reasonable costs and attorney fees incurred by the association incident to the collection process. Upon payment in full, the person making the payment is entitled to a satisfaction of the lien.

(c) By recording a notice in substantially the following form, a unit owner or the unit owner's agent or attorney may require the association to enforce a recorded claim of lien against his or her cooperative parcel:

NOTICE OF CONTEST OF LIEN

TO: ...(Name and address of association)....:

You are notified that the undersigned contests the claim of lien filed by you on ...., ...(year)...., and recorded in Official Records Book .... at Page ...., of the public records of .... County, Florida, and that the time within which you may file suit to enforce your lien is limited to 90 days from the date of service of this notice. Executed this .... day of ...., ...(year)....  
Signed: ...(Owner or Attorney)...

After notice of contest of lien has been recorded, the clerk of the circuit court shall mail a copy of the recorded notice to the association by certified mail, return receipt requested, at the address shown in the claim of lien or most recent amendment to it and shall certify to the service on the face of the notice. Service is complete upon mailing. After service, the association has 90 days in which to file an action to enforce the lien. If the action is not filed

within the 90-day period, the lien is void. However, the 90-day period shall be extended for any length of time during which the association is prevented from filing its action because of an automatic stay resulting from the filing of a bankruptcy petition by the unit owner or by any other person claiming an interest in the parcel.

(d) A release of lien must be in substantially the following form:

#### RELEASE OF LIEN

The undersigned lienor, in consideration of the final payment in the amount of \$...., hereby waives and releases its lien and right to claim a lien for unpaid assessments through ...., (year)...., recorded in the Official Records Book .... at Page ...., of the public records of .... County, Florida, for the following described real property:

THAT COOPERATIVE PARCEL WHICH INCLUDES  
UNIT NO. .... OF ...(NAME OF COOPERATIVE)...., A  
COOPERATIVE AS SET FORTH IN THE  
COOPERATIVE DOCUMENTS AND THE  
EXHIBITS ANNEXED THERETO AND FORMING  
A PART THEREOF, RECORDED IN OFFICIAL  
RECORDS BOOK ...., PAGE ...., OF THE PUBLIC  
RECORDS OF .... COUNTY, FLORIDA.

..(Signature of Authorized Agent)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

Sworn to (or affirmed) and subscribed before me this .... day of ...., (year)....  
by ...(name of person making statement)....

..(Signature of Notary Public)..

..(Print, type, or stamp commissioned name of Notary Public)..

Personally Known.... OR Produced.... as identification.

Section 6. Subsections (1), (3), (4), and (5) of section 720.3085, Florida Statutes, are amended to read:

720.3085 Payment for assessments; lien claims.—

(1) When authorized by the governing documents, the association has a lien on each parcel to secure the payment of assessments and other amounts provided for by this section. Except as otherwise set forth in this section, the lien is effective from and shall relate back to the date on which the original declaration of the community was recorded. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the parcel is located. This subsection does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, including the lien for unpaid assessments created in this section, a priority that, by law, the lien, mortgage, or judgment did not have before July 1, 2008.

(a) To be valid, a claim of lien must state the description of the parcel, the name of the record owner, the name and address of the association, the assessment amount due, and the due date. The claim of lien secures all unpaid assessments that are due and that may accrue subsequent to the recording of the claim of lien and before entry of a certificate of title, as well as interest, late charges, and reasonable collection costs and attorney attorney's fees incurred by the association incident to the collection process. The person making payment is entitled to a satisfaction of the lien upon payment in full.

(b) By recording a notice in substantially the following form, a parcel owner or the parcel owner's agent or attorney may require the association to enforce a recorded claim of lien against his or her parcel:

#### NOTICE OF CONTEST OF LIEN

TO: ...(Name and address of association)...

You are notified that the undersigned contests the claim of lien filed by you on ...., (year)...., and recorded in Official Records Book .... at page ...., of the public records of .... County, Florida, and that the time within which you may file suit to enforce your lien is limited to 90 days following the date of service of this notice. Executed this .... day of ...., (year)....

Signed: ...(Owner or Attorney)...

After the notice of a contest of lien has been recorded, the clerk of the circuit court shall mail a copy of the recorded notice to the association by certified mail, return receipt requested, at the address shown in the claim of lien or the most recent amendment to it and shall certify to the service on the face of the notice. Service is complete upon mailing. After service, the association has 90 days in which to file an action to enforce the lien and, if the action is not filed within the 90-day period, the lien is void. However, the 90-day period shall be extended for any length of time that the association is prevented from filing its action because of an automatic stay resulting from the filing of a bankruptcy petition by the parcel owner or by any other person claiming an interest in the parcel.

(c) The association may bring an action in its name to foreclose a lien for assessments in the same manner in which a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien. The association is entitled to recover its reasonable attorney's fees incurred in an action to foreclose a lien or an action to recover a money judgment for unpaid assessments.

(d) A release of lien must be in substantially the following form:

#### RELEASE OF LIEN

The undersigned lienor, in consideration of the final payment in the amount of \$...., hereby waives and releases its lien and right to claim a lien for unpaid assessments through ...., (year)...., recorded in the Official Records Book .... at Page ...., of the public records of .... County, Florida, for the following described real property:

(PARCEL NO. .... OR LOT AND BLOCK)  
OF ...(subdivision name)...SUBDIVISION AS  
SHOWN IN THE PLAT THEREOF, RECORDED AT  
PLAT BOOK ...., PAGE ...., OF THE OFFICIAL  
RECORDS OF ....COUNTY, FLORIDA.

(or insert appropriate metes and bounds description here)

..(Signature of Authorized Agent)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

Sworn to (or affirmed) and subscribed before me this .... day of ...., (year)....  
by ...(name of person making statement)....

..(Signature of Notary Public)..

..(Print, type, or stamp commissioned name of Notary Public)..

Personally Known.... OR Produced.... as identification.

(e) If the parcel owner remains in possession of the parcel after a foreclosure judgment has been entered, the court may require the parcel owner to pay a reasonable rent for the parcel. If the parcel is rented or leased during the pendency of the foreclosure action, the association is entitled to the appointment of a receiver to collect the rent. The expenses of the receiver must be paid by the party who does not prevail in the foreclosure action.

(f) The association may purchase the parcel at the foreclosure sale and hold, lease, mortgage, or convey the parcel.

(3) Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, interest accrues at the rate of 18 percent per year.

(a) If the declaration or bylaws so provide, the association may also charge an administrative late fee not to exceed the greater of \$25 or 5 percent of the amount of each installment that is paid past the due date. The association may also recover from the parcel owner any reasonable charges imposed upon the association under a written contract with its management or bookkeeping company, or collection agent, incurred in connection with collecting a delinquent assessment. Such charges must be based on the actual time expended performing necessary services that are not duplicative. Fees for

collection are not recoverable after referral of the matter to an association's legal counsel.

Rep. Spano moved the adoption of the substitute amendment.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Substitute Amendment 2**, which failed of adoption. The vote was:

Session Vote Sequence: 683

Speaker Weatherford in the Chair.

Yeas—39

Ahern	Diaz, M.	Metz	Roberson, K.
Baxley	Eisnaugle	Nelson	Rodrigues, R.
Beshears	Fitzenhagen	Oliva	Santiago
Brodeur	Gaetz	Passidomo	Schenck
Broxson	Gonzalez	Patronis	Spano
Coley	Grant	Perry	Stone
Combee	Hill	Pigman	Weatherford
Corcoran	Holder	Pilon	Workman
Cummings	Hudson	Raburn	Young
Diaz, J.	Ingram	Raulerson	

Nays—75

Adkins	Fresen	Moskowitz	Schwartz
Albritton	Fullwood	Murphy	Slosberg
Antone	Gibbons	Nuñez	Smith
Artiles	Goodson	Pafford	Stafford
Berman	Hager	Powell	Stark
Bileca	Harrell	Pritchett	Steube
Boyd	Hood	Rader	Stewart
Bracy	Hooper	Rangel	Taylor
Caldwell	Hutson	Raschein	Tobia
Campbell	Jones, M.	Ray	Torres
Castor Dentel	Jones, S.	Reed	Trujillo
Clarke-Reed	Kerner	Rehwinkel	Van Zant
Clelland	La Rosa	Renuart	Waldman
Cruz	Lee	Richardson	Watson, B.
Danish	Magar	Rodriguez, J.	Watson, C.
Davis	Mayfield	Rogers	Williams, A.
Dudley	McBurney	Rooney	Wood
Eagle	McGhee	Rouson	Zimmermann
Edwards	Moraitis	Saunders	

Votes after roll call:

Nays—Peters

The question recurred on the adoption of **Amendment 2**, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 1363**—A bill to be entitled An act relating to vessel safety; amending s. 327.44, F.S.; defining terms; authorizing the Fish and Wildlife Conservation Commission and certain law enforcement agencies or officers to relocate or remove vessels that unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; providing that the commission or a law enforcement agency may recover from the vessel owner its costs for the relocation or removal of such a vessel; requiring the Department of Legal Affairs to represent the commission in actions to recover such costs; amending ss. 376.15 and 823.11, F.S.; defining terms; authorizing the commission and certain law enforcement agencies and officers to relocate or remove a derelict vessel from public waters; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; expanding costs recoverable by the commission or a law enforcement agency against the

owner of a derelict vessel for the relocation or removal thereof; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; abrogating the power of the commission to remove certain abandoned vessels and recover its costs therefor; conforming a cross-reference; amending ss. 376.11 and 705.101, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 3531**—A bill to be entitled An act for the relief of Ronald Miller by the City of Hollywood; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of an employee of the City of Hollywood; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 3529**—A bill to be entitled An act for the relief of Carl Abbott by the Palm Beach County School Board; providing for an appropriation to compensate Carl Abbott for injuries sustained as a result of the negligence of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 3519**—A bill to be entitled An act for the relief of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta, surviving children of Nhora Acosta, by Miami-Dade County; providing for an appropriation to compensate them for the wrongful death of their mother, Nhora Acosta, due to injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 227**—A bill to be entitled An act relating to victims of wrongful incarceration; creating s. 961.055, F.S.; providing that a wrongfully incarcerated person who was convicted and sentenced to death on or before December 31, 1979, is exempt from certain application procedures for compensation if a special prosecutor issues a nolle prosequi after reviewing the defendant's conviction; creating s. 961.056, F.S.; providing alternative procedures for applying for compensation; requiring the claimant to file an application with the Department of Legal Affairs within a specified time; requiring the application to include certain information and documents; providing that the claimant is entitled to compensation if all requirements are met; prohibiting compensation from being used for specified attorney fees, lobbyist fees, and costs; providing criminal penalties; providing that the section is repealed on a specified date; amending s. 961.06, F.S.; requiring the Chief Financial Officer to issue payment to an insurance company or other financial institution authorized to issue annuity contracts to purchase an annuity or annuities selected by the wrongfully incarcerated person; requiring the Chief Financial Officer to execute all necessary agreements to implement compensation and to maximize the benefit to the wrongfully incarcerated person; requiring the wrongfully incarcerated person to sign a waiver before the department's approval of the application; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/CS/HB 989**—A bill to be entitled An act relating to human trafficking; amending s. 39.01, F.S.; including human trafficking in the definition of the term "sexual abuse of a child"; amending s. 92.56, F.S.; including human trafficking within provisions providing for confidentiality of court records concerning certain offenses involving children; amending s.

787.06, F.S.; clarifying the offense of human trafficking; amending s. 960.065, F.S.; providing that victims of human trafficking are eligible for crime victim compensation awards under certain circumstances; amending s. 960.199, F.S.; allowing victims of human trafficking to be eligible for financial relocation assistance; providing an effective date.

—was read the second time by title.

Representative Trujillo offered the following:

(Amendment Bar Code: 792135)

**Amendment 1**—Remove line 166 and insert:  
also be certified by a certified domestic violence center in this state.

Rep. Trujillo moved the adoption of the amendment, which was adopted.

Representative Spano offered the following:

(Amendment Bar Code: 881881)

**Amendment 2 (with title amendment)**—Between lines 186 and 187, insert:

Section 6. Subsection (5) is added to section 450.021, Florida Statutes, to read:

450.021 Minimum age; general.—

(5) In order to better ensure the elimination of minors being exploited and becoming victims of human trafficking, a person under the age of 18, whether or not such person's disabilities of nonage have been removed by marriage or otherwise, may not be employed, permitted, or suffered to work in an adult theater, as defined in s. 847.001(2)(b).

Section 7. Subsection (3) is added to section 450.045, Florida Statutes, to read:

450.045 Proof of identity and age; posting of notices.—

(3)(a) In order to provide the department and law enforcement agencies the means to more effectively identify, investigate, and arrest persons engaging in human trafficking, an adult theater, as defined in s. 847.001(2)(b), shall obtain proof of the identity and age of each of its employees or independent contractors, and shall verify the validity of the identification and age verification document with the issuer, before his or her employment or provision of services as an independent contractor.

(b) The adult theater shall obtain and keep on record a photocopy of the person's driver license or state or federal government-issued photo identification card, along with a record of the verification of the validity of the identification and age verification document with the issuer, during the entire period of employment or business relationship with the independent contractor and for at least 3 years after the employee or independent contractor ceases employment or the provision of services.

(c) The department and its agents have the authority to enter during operating hours, unannounced and without prior notice, and inspect at any time a place or establishment covered by this subsection and to have access to age verification documents kept on file by the adult theater and such other records as may aid in the enforcement of this subsection.

Section 8. Subsection (18) is added to section 775.15, Florida Statutes, to read:

775.15 Time limitations; general time limitations; exceptions.—

(18) A prosecution for a violation of s. 787.06 may be commenced at any time. This subsection applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2014.

Section 9. Subsections (3) and (4) of section 787.06, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

787.06 Human trafficking.—

(3) Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:

(a) ~~1. Using coercion~~ For labor or services of any child under the age of 18 commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Using coercion for labor or services of an adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Using coercion for commercial sexual activity of an adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) ~~1. Using coercion~~ For labor or services of any child under the age of 18 individual who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Using coercion for labor or services of an adult who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Using coercion for commercial sexual activity of an adult ~~any individual~~ who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) ~~1. Using coercion~~ For labor or services who does so by the transfer or transport of any child under the age of 18 individual from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Using coercion for labor or services who does so by the transfer or transport of an adult from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) ~~1. Using coercion~~ For commercial sexual activity who does so by the transfer or transport of any child under the age of 18 individual from outside this state to within the state commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Using coercion for commercial sexual activity who does so by the transfer or transport of an adult from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g) For commercial sexual activity in which any child under the age of 18, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), is involved commits a life felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082(3)(a)5, 775.082, s. 775.083, or s. 775.084. In a prosecution under this paragraph in which the defendant had a reasonable opportunity to observe the person who was subject to human trafficking, the state need not prove that the defendant knew that the person had not attained the age of 18 years.

(h) For commercial sexual activity in which any child under the age of 15 is involved commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In a prosecution under this paragraph in which the defendant had a reasonable opportunity to observe the person who was subject to human trafficking, the state need not prove that the defendant knew that the person had not attained the age of 15 years.

For each instance of human trafficking of any individual under this subsection, a separate crime is committed and a separate punishment is authorized.

(4)(a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will be subject to human trafficking commits a life first degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who permanently brands, or directs to be branded, a victim of an offense under this section commits a second degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, the term "permanently branded" means a mark on the individual's body that, if it can be removed or repaired at all, can only be removed or repaired by surgical means, laser treatment, or other medical procedure.

(8) In a prosecution under this section, the defendant's ignorance of the victim's age, the victim's misrepresentation of his or her age, or the defendant's bona fide belief of the victim's age cannot be raised as a defense.

Section 10. Paragraph (a) of subsection (3) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4.a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

(I) A term of imprisonment for life; or

(II) A split sentence that is a term of not less than 25 years' imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of s. 800.04(5)(b), by a term of imprisonment for life.

5. For a life felony committed on or after October 1, 2014, which is a violation of s. 787.06(3)(g), by a term of imprisonment for life.

Section 11. Section 796.001, Florida Statutes, is created to read:

796.001 Offenses by adults involving minors; intent.—It is the intent of the Legislature that adults who involve minors in any behavior prohibited under this chapter be prosecuted under other laws of this state, such as, but not limited to, s. 787.06, chapter 794, chapter 800, s. 810.145, chapter 827, and chapter 847. The Legislature finds that prosecution of such adults under this chapter is inappropriate since a minor is unable to consent to such behavior.

Section 12. Sections 796.03, 796.035, and 796.036, Florida Statutes, are repealed.

Section 13. Section 796.05, Florida Statutes, is amended to read:

796.05 Deriving support from the proceeds of prostitution.—

(1) It shall be unlawful for any person with reasonable belief or knowing another person is engaged in prostitution to live or derive support or maintenance in whole or in part from what is believed to be the earnings or proceeds of such person's prostitution.

(2) Anyone violating this section commits:

(a) For a first offense, a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) For a second offense, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) For a third or subsequent offense, a felony of the first degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 10 years.

Section 14. Subsection (3), paragraph (a) of subsection (8), and paragraph (a) of subsection (10) of section 943.0583, Florida Statutes, are amended to read:

943.0583 Human trafficking victim expunction.—

(3) A person who is a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges ~~any conviction~~ for an offense committed or reported to have been committed while the person ~~he or she~~ was a victim of human trafficking, which offense was committed or reported to have been committed as a part of the human trafficking scheme of which ~~the person he or she~~ was a victim or at the direction of an operator of the scheme, including, but not limited to, violations under chapters 796 and 847, without regard to the disposition of the arrest or of any charges. However, this section does not apply to any offense listed in s. 775.084(1)(b)1. Determination of the petition under this section should be by a preponderance of the evidence. A conviction expunged under

this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. If a person is adjudicated not guilty by reason of insanity or is found to be incompetent to stand trial for any such charge, the expunction of the criminal history record may not prevent the entry of the judgment or finding in state and national databases for use in determining eligibility to purchase or possess a firearm or to carry a concealed firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent any governmental agency that is authorized by state or federal law to determine eligibility to purchase or possess a firearm or to carry a concealed firearm from accessing or using the record of the judgment or finding in the course of such agency's official duties.

(8)(a) Any criminal history record of a minor or an adult that is ordered expunged by the court of original jurisdiction over the ~~charges~~ ~~crime~~ sought to be expunged pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record, except that any criminal history record in the custody of the department must be retained in all cases.

(10)(a) A criminal history record ordered expunged under this section that is retained by the department is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the record shall be made available to criminal justice agencies for their respective criminal justice purposes and to any governmental agency that is authorized by state or federal law to determine eligibility to purchase or possess a firearm or to carry a concealed firearm for use in the course of such agency's official duties. Otherwise, such record shall not be disclosed to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

Section 15. Paragraphs (c), (e), and (g) through (j) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.	817.233	3rd	Burning to defraud insurer.
			817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
			817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
379.2431 (1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.	817.236	3rd	Filing a false motor vehicle insurance application.
400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
			817.413(2)	3rd	Sale of used goods as new.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.	817.505(4)	3rd	Patient brokering.
			828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.			
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
			843.19	3rd	Injure, disable, or kill police dog or horse.
697.08	3rd	Equity skimming.	860.15(3)	3rd	Overcharging for repairs and parts.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.	870.01(2)	3rd	Riot; inciting or encouraging.
<del>796.05(1)</del>	<del>3rd</del>	<del>Live on earnings of a prostitute.</del>	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.			
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.			
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.



893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	379.3671 (2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.	790.01(2)	3rd	Carrying a concealed firearm.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.	790.162	2nd	Threat to throw or discharge destructive device.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
(e) LEVEL 5			790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
Florida Statute	Felony Degree	Description	796.05(1)	2nd	<u>Live on earnings of a prostitute; 1st offense.</u>
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
			812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

812.019(1)	2nd	Stolen property; dealing in or trafficking in.	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 to join a criminal gang.
812.131(2)(b)	3rd	Robbery by sudden snatching.	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
812.16(2)	3rd	Owning, operating, or conducting a chop shop.			
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.			
817.234(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.			
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.	(g) LEVEL 7		
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	Florida Statute	Felony Degree	Description
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
456.065(2)	3rd	Practicing a health care profession without a license.	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
458.327(1)	3rd	Practicing medicine without a license.	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
459.013(1)	3rd	Practicing osteopathic medicine without a license.	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
460.411(1)	3rd	Practicing chiropractic medicine without a license.	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
461.012(1)	3rd	Practicing podiatric medicine without a license.	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
462.17	3rd	Practicing naturopathy without a license.	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
463.015(1)	3rd	Practicing optometry without a license.	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
464.016(1)	3rd	Practicing nursing without a license.	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
465.015(2)	3rd	Practicing pharmacy without a license.	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
467.201	3rd	Practicing midwifery without a license.	784.048(7)	3rd	Aggravated stalking; violation of court order.
468.366	3rd	Delivering respiratory care services without a license.	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
483.901(9)	3rd	Practicing medical physics without a license.	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.	784.081(1)	1st	Aggravated battery on specified official or employee.
484.053	3rd	Dispensing hearing aids without a license.			
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.			

784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
784.083(1)	1st	Aggravated battery on code inspector.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
787.06(3)(a) <u>2.</u>	1st	Human trafficking using coercion for labor and services <u>of an adult</u> .	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
787.06(3)(e) <u>2.</u>	1st	Human trafficking using coercion for labor and services by the transfer or transport of <u>an adult</u> <del>any individual</del> from outside Florida to within the state.	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.	812.131(2)(a)	2nd	Robbery by sudden snatching.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
796.03	2nd	<del>Procuring any person under 16 years for prostitution.</del>	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
796.05(1)	1st	<u>Live on earnings of a prostitute; 2nd offense.</u>	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
796.05(1)	1st	<u>Live on earnings of a prostitute; 3rd and subsequent offense.</u>	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
			825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
838.015	2nd	Bribery.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
838.016	2nd	Unlawful compensation or reward for official behavior.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
838.021(3)(a)	2nd	Unlawful harm to a public servant.	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
838.22	2nd	Bid tampering.	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
843.0855(2)	3rd	Impersonation of a public officer or employee.	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
843.0855(3)	3rd	Unlawful simulation of legal process.	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
843.0855(4)	3rd	Intimidation of a public officer or employee.	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
872.06	2nd	Abuse of a dead human body.	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.

944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	<u>787.06(3)(a)1.</u>	<u>1st</u>	<u>Human trafficking for labor and services of a child.</u>
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity <u>of an adult.</u>
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	787.06(3)(c) <u>2.</u>	1st	Human trafficking using coercion for labor and services of an unauthorized alien <u>adult.</u>
(h) LEVEL 8			<u>787.06(3)(e)1.</u>	<u>1st</u>	<u>Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.</u>
Florida Statute	Felony Degree	Description	787.06(3)(f) <u>2.</u>	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any <u>adult individual</u> from outside Florida to within the state.
316.193 (3)(c)3.a.	2nd	DUI manslaughter.	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.			
499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.	800.04(4)	2nd	Lewd or lascivious battery.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
			810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
777.03(2)(a)	1st	Accessory after the fact, capital felony.	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.	812.13(2)(b)	1st	Robbery with a weapon.
			812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
			817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.

817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.	893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.	893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.	893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.	893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
860.16	1st	Aircraft piracy.	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	(i) LEVEL 9		
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	Florida Statute	Felony Degree	Description
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
			560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
			794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
775.0844	1st	Aggravated white collar crime.			
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
			794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	<del>796.035</del>	<del>1st</del>	<del>Selling or buying of minors into prostitution.</del>
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.	812.135(2)(b)	1st	Home-invasion robbery with weapon.
			817.535(3)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	817.535(4)(a)2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
<u>787.06(3)(c)1.</u>	<u>1st</u>	<u>Human trafficking for labor and services of an unauthorized alien child.</u>	817.535(5)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized <u>adult</u> alien.			
<u>787.06(3)(f)1.</u>	<u>1st,PBL</u>	<u>Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.</u>	817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
<del>787.06(3)(g)</del>	<del>1st,PBL</del>	<del>Human trafficking for commercial sexual activity of a child under the age of 18.</del>	827.03(2)(a)	1st	Aggravated child abuse.
<del>787.06(4)</del>	<del>1st</del>	<del>Selling or buying of minors into human trafficking.</del>	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
790.161	1st	Attempted capital destructive device offense.	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.



859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.	<del>787.06(3)(h)</del> <u>787.06(3)(g)</u>	Life	Human trafficking for commercial sexual activity of a child under the age of <u>18 or mentally defective or incapacitated person</u> <del>15</del> .
893.135	1st	Attempted capital trafficking offense.	<u>787.06(4)(a)</u>	<u>Life</u>	<u>Selling or buying of minors into human trafficking.</u>
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.	794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.			
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.	812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.	876.32	1st	Treason against the state.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.	Section 16. Paragraph (g) of subsection (67) of section 39.01, Florida Statutes, is amended to read: 39.01 Definitions.—When used in this chapter, unless the context otherwise requires: (67) "Sexual abuse of a child" for purposes of finding a child to be dependent means one or more of the following acts: (g) The sexual exploitation of a child, which includes the act of a child offering to engage in or engaging in prostitution, provided that the child is not under arrest or is not being prosecuted in a delinquency or criminal proceeding for a violation of any offense in chapter 796 based on such behavior; or allowing, encouraging, or forcing a child to: 1. Solicit for or engage in prostitution; 2. Engage in a sexual performance, as defined by chapter 827; or 3. Participate in the trade of <u>human</u> <del>sex</del> trafficking as provided in s. <u>787.06(3)(g)</u> <del>796.035</del> .		
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.			
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.			
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.			
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.			
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.	Section 17. Paragraphs (b) and (c) of subsection (2) of section 90.404, Florida Statutes, are amended to read: 90.404 Character evidence; when admissible.— (2) OTHER CRIMES, WRONGS, OR ACTS.— (b)1. In a criminal case in which the defendant is charged with a crime involving child molestation, evidence of the defendant's commission of other crimes, wrongs, or acts of child molestation is admissible and may be considered for its bearing on any matter to which it is relevant. 2. For the purposes of this paragraph, the term "child molestation" means conduct proscribed by s. 787.025(2)(c), s. 787.06(3)(g) <del>and (h)</del> , s. 794.011, excluding s. 794.011(10), s. 794.05, <u>former</u> s. 796.03, <u>former</u> s. 796.035, s. 800.04, s. 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1) when committed against a person 16 years of age or younger. (c)1. In a criminal case in which the defendant is charged with a sexual offense, evidence of the defendant's commission of other crimes, wrongs, or acts involving a sexual offense is admissible and may be considered for its bearing on any matter to which it is relevant. 2. For the purposes of this paragraph, the term "sexual offense" means conduct proscribed by s. 787.025(2)(c),s. 787.06(3)(b), (d), (f), <u>or</u> (g), <del>or (h)</del> , s. 794.011, excluding s. 794.011(10), s. 794.05, <u>former</u> s. 796.03, <u>former</u> s. 796.035, s. 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1).		
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.			
(j) LEVEL 10					
Florida Statute	Felony Degree	Description			
499.0051(10)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.			
782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.			
782.07(3)	1st	Aggravated manslaughter of a child.			
787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.			
787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	Section 18. Paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is amended to read: 772.102 Definitions.—As used in this chapter, the term: (1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit: (a) Any crime that is chargeable by indictment or information under the following provisions: 1. Section 210.18, relating to evasion of payment of cigarette taxes. 2. Section 414.39, relating to public assistance fraud. 3. Section 440.105 or s. 440.106, relating to workers' compensation.		

4. Part IV of chapter 501, relating to telemarketing.
5. Chapter 517, relating to securities transactions.
6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.
7. Chapter 550, relating to jai alai frontons.
8. Chapter 552, relating to the manufacture, distribution, and use of explosives.
9. Chapter 562, relating to beverage law enforcement.
10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
11. Chapter 687, relating to interest and usurious practices.
12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
13. Chapter 782, relating to homicide.
14. Chapter 784, relating to assault and battery.
15. Chapter 787, relating to kidnapping or human trafficking.
16. Chapter 790, relating to weapons and firearms.
17. Former section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
18. Chapter 806, relating to arson.
19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
20. Chapter 812, relating to theft, robbery, and related crimes.
21. Chapter 815, relating to computer-related crimes.
22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
23. Section 827.071, relating to commercial sexual exploitation of children.
24. Chapter 831, relating to forgery and counterfeiting.
25. Chapter 832, relating to issuance of worthless checks and drafts.
26. Section 836.05, relating to extortion.
27. Chapter 837, relating to perjury.
28. Chapter 838, relating to bribery and misuse of public office.
29. Chapter 843, relating to obstruction of justice.
30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
32. Chapter 893, relating to drug abuse prevention and control.
33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.
34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

Section 19. Paragraphs (m) and (n) of subsection (1) of section 775.0877, Florida Statutes, are amended, and paragraph (o) is added to that section, to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(1) In any case in which a person has been convicted of or has pled nolo contendere or guilty to, regardless of whether adjudication is withheld, any of the following offenses, or the attempt thereof, which offense or attempted offense involves the transmission of body fluids from one person to another:

- (m) Sections ~~796.03~~, 796.07, and 796.08, relating to prostitution; ~~or~~
- (n) Section 381.0041(11)(b), relating to donation of blood, plasma, organs, skin, or other human tissue; ~~or~~
- (o) Sections 787.06(3)(b), (d), (f), and (g), relating to human trafficking,

the court shall order the offender to undergo HIV testing, to be performed under the direction of the Department of Health in accordance with s. 381.004, unless the offender has undergone HIV testing voluntarily or pursuant to procedures established in s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or rule providing for HIV testing of criminal offenders or inmates, subsequent to her or his arrest for an offense enumerated in paragraphs (a)-(n) for which she or he was convicted or to which she or he pled nolo contendere or guilty. The results of an HIV test performed on an offender pursuant to this subsection are not admissible in any criminal proceeding arising out of the alleged offense.

Section 20. Paragraph (a) of subsection (4) and paragraph (b) of subsection (10) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony is:

a. A capital, life, or first-degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor and the defendant is not the victim's parent or guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a violation of a similar law of another jurisdiction; or

b. Any felony violation, or any attempt thereof, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), ~~or (g), or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), ~~or (g), or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(10) PENALTIES.—

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, child care facility, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. Paragraph (a) of subsection (3) of section 787.01, Florida Statutes, is amended to read:

787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;
2. Sexual battery, as defined in chapter 794, against the child;
3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);
4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child; ~~or~~
5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; ~~or~~
6. A violation of s. 787.06(3)(g), relating to human trafficking,

commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 22. Paragraph (a) of subsection (3) of section 787.02, Florida Statutes, is amended to read:

787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs 1.-5., commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;
2. Sexual battery, as defined in chapter 794, against the child;
3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);
4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child; ~~or~~
5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or
6. A violation of s. 878.06(3)(g) relating to human trafficking.

Section 23. Subsection (1) of section 794.056, Florida Statutes, is amended to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 24. Subsection (1) of section 856.022, Florida Statutes, is amended to read:

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.—

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction against a victim who was under 18 years of age at the time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the offender was not the victim's parent or guardian; s. 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, if the person has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection and a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding.

Section 25. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Section 403.727(3)(b), relating to environmental control.

4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

13. Chapter 550, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

29. Former section 796.03, former s. 796.035, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution ~~and sex trafficking~~.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Section 828.122, relating to fighting or baiting animals.

38. Chapter 831, relating to forgery and counterfeiting.

39. Chapter 832, relating to issuance of worthless checks and drafts.

40. Section 836.05, relating to extortion.

41. Chapter 837, relating to perjury.

42. Chapter 838, relating to bribery and misuse of public office.

43. Chapter 843, relating to obstruction of justice.

44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

45. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

46. Chapter 874, relating to criminal gangs.  
 47. Chapter 893, relating to drug abuse prevention and control.  
 48. Chapter 896, relating to offenses related to financial transactions.  
 49. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

50. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 26. Section 938.085, Florida Statutes, is amended to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 27. Subsection (1) of section 938.10, Florida Statutes, is amended to read:

938.10 Additional court cost imposed in cases of certain crimes.—

(1) If a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, any offense against a minor in violation of s. 784.085, chapter 787, chapter 794, former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s. 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s. 893.147(3), or s. 985.701, or any offense in violation of s. 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the court shall impose a court cost of \$151 against the offender in addition to any other cost or penalty required by law.

Section 28. Paragraph (a) of subsection (1) of section 943.0435, Florida Statutes, is amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(1) As used in this section, the term:

(a)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g); ~~or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result

of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g); ~~or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals.

2. For all qualifying offenses listed in sub-subparagraph (1)(a)1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall additionally make a written finding indicating that the offense did or did not involve sexual activity and indicating that the offense did or did not involve force or coercion. For a violation of s. 800.04(5), the court shall additionally make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

Section 29. Section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435, may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal

history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(1) **PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.**—Each petition to a court to expunge a criminal history record is complete only when accompanied by:

(a) A valid certificate of eligibility for expunction issued by the department pursuant to subsection (2).

(b) The petitioner's sworn statement attesting that the petitioner:

1. Has never, prior to the date on which the petition is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation, or been adjudicated delinquent for committing any felony or a misdemeanor specified in s. 943.051(3)(b).

2. Has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition pertains.

3. Has never secured a prior sealing or expunction of a criminal history record under this section, s. 943.059, former s. 893.14, former s. 901.33, or former s. 943.058, unless expunction is sought of a criminal history record previously sealed for 10 years pursuant to paragraph (2)(h) and the record is otherwise eligible for expunction.

4. Is eligible for such an expunction to the best of his or her knowledge or belief and does not have any other petition to expunge or any petition to seal pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) **CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.**—Prior to petitioning the court to expunge a criminal history record, a person seeking to expunge a criminal history record shall apply to the department for a certificate of eligibility for expunction. The department shall, by rule adopted pursuant to chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for expunction. A certificate of eligibility for expunction is valid for 12 months after the date stamped on the certificate when issued by the department. After that time, the petitioner must reapply to the department for a new certificate of eligibility. Eligibility for a renewed certification of eligibility must be based on the status of the applicant and the law in effect at the time of the renewal application. The department shall issue a certificate of eligibility for expunction to a person who is the subject of a criminal history record if that person:

(a) Has obtained, and submitted to the department, a written, certified statement from the appropriate state attorney or statewide prosecutor which indicates:

1. That an indictment, information, or other charging document was not filed or issued in the case.

2. That an indictment, information, or other charging document, if filed or issued in the case, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction, and that none of the charges related to the arrest or alleged criminal activity to which the petition to expunge pertains resulted in a trial, without regard to whether the outcome of the trial was other than an adjudication of guilt.

3. That the criminal history record does not relate to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.

847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435, where the defendant was found guilty of, or pled guilty or nolo contendere to any such offense, or that the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, such an offense as a delinquent act, without regard to whether adjudication was withheld.

(b) Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(c) Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains.

(d) Has never, prior to the date on which the application for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation, or been adjudicated delinquent for committing any felony or a misdemeanor specified in s. 943.051(3)(b).

(e) Has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to expunge pertains.

(f) Has never secured a prior sealing or expunction of a criminal history record under this section, s. 943.059, former s. 893.14, former s. 901.33, or former s. 943.058, unless expunction is sought of a criminal history record previously sealed for 10 years pursuant to paragraph (h) and the record is otherwise eligible for expunction.

(g) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to expunge pertains.

(h) Has previously obtained a court order sealing the record under this section, former s. 893.14, former s. 901.33, or former s. 943.058 for a minimum of 10 years because adjudication was withheld or because all charges related to the arrest or alleged criminal activity to which the petition to expunge pertains were not dismissed prior to trial, without regard to whether the outcome of the trial was other than an adjudication of guilt. The requirement for the record to have previously been sealed for a minimum of 10 years does not apply when a plea was not entered or all charges related to the arrest or alleged criminal activity to which the petition to expunge pertains were dismissed prior to trial.

(3) **PROCESSING OF A PETITION OR ORDER TO EXPUNGE.**—

(a) In judicial proceedings under this section, a copy of the completed petition to expunge shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to expunge.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and the arresting agency. The arresting agency is responsible for forwarding the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to expunge to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) For an order to expunge entered by a court prior to July 1, 1992, the department shall notify the appropriate state attorney or statewide prosecutor of an order to expunge which is contrary to law because the person who is the subject of the record has previously been convicted of a crime or comparable ordinance violation or has had a prior criminal history record sealed or expunged. Upon receipt of such notice, the appropriate state attorney or statewide prosecutor shall take action, within 60 days, to correct the record and petition the court to void the order to expunge. The department shall seal the record until such time as the order is voided by the court.

(d) On or after July 1, 1992, the department or any other criminal justice agency is not required to act on an order to expunge entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate

state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to expunge when the petitioner for such order failed to obtain the certificate of eligibility as required by this section or such order does not otherwise comply with the requirements of this section.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly; or
6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted an expunction under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

(c) Information relating to the existence of an expunged criminal history record which is provided in accordance with paragraph (a) is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the existence of a criminal history record ordered expunged to the entities set forth in subparagraphs (a)1., 4., 5., 6., and 7. for their respective licensing, access authorization, and employment purposes, and to criminal justice agencies for their respective criminal justice purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) STATUTORY REFERENCES.—Any reference to any other chapter, section, or subdivision of the Florida Statutes in this section constitutes a general reference under the doctrine of incorporation by reference.

Section 30. Section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435, may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each petition to a court to seal a criminal history record is complete only when accompanied by:

(a) A valid certificate of eligibility for sealing issued by the department pursuant to subsection (2).

(b) The petitioner's sworn statement attesting that the petitioner:

1. Has never, prior to the date on which the petition is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation, or been adjudicated delinquent for committing any felony or a misdemeanor specified in s. 943.051(3)(b).

2. Has not been adjudicated guilty of or adjudicated delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.

3. Has never secured a prior sealing or expunction of a criminal history record under this section, s. 943.0585, former s. 893.14, former s. 901.33, or former s. 943.058.

4. Is eligible for such a sealing to the best of his or her knowledge or belief and does not have any other petition to seal or any petition to expunge pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to petitioning the court to seal a criminal history record, a person seeking to seal a criminal history record shall apply to the department for a certificate of eligibility for sealing. The department shall, by rule adopted pursuant to

chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for sealing. A certificate of eligibility for sealing is valid for 12 months after the date stamped on the certificate when issued by the department. After that time, the petitioner must reapply to the department for a new certificate of eligibility. Eligibility for a renewed certification of eligibility must be based on the status of the applicant and the law in effect at the time of the renewal application. The department shall issue a certificate of eligibility for sealing to a person who is the subject of a criminal history record provided that such person:

(a) Has submitted to the department a certified copy of the disposition of the charge to which the petition to seal pertains.

(b) Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(c) Has never, prior to the date on which the application for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation, or been adjudicated delinquent for committing any felony or a misdemeanor specified in s. 943.051(3)(b).

(d) Has not been adjudicated guilty of or adjudicated delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.

(e) Has never secured a prior sealing or expunction of a criminal history record under this section, s. 943.0585, former s. 893.14, former s. 901.33, or former s. 943.058.

(f) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to seal pertains.

### (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

(a) In judicial proceedings under this section, a copy of the completed petition to seal shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to seal.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and to the arresting agency. The arresting agency is responsible for forwarding the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to seal to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) For an order to seal entered by a court prior to July 1, 1992, the department shall notify the appropriate state attorney or statewide prosecutor of any order to seal which is contrary to law because the person who is the subject of the record has previously been convicted of a crime or comparable ordinance violation or has had a prior criminal history record sealed or expunged. Upon receipt of such notice, the appropriate state attorney or statewide prosecutor shall take action, within 60 days, to correct the record and petition the court to void the order to seal. The department shall seal the record until such time as the order is voided by the court.

(d) On or after July 1, 1992, the department or any other criminal justice agency is not required to act on an order to seal entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to seal when the petitioner for such order failed to obtain the certificate of eligibility as required by this section or when such order does not comply with the requirements of this section.

(e) An order sealing a criminal history record pursuant to this section does not require that such record be surrendered to the court, and such record shall

continue to be maintained by the department and other criminal justice agencies.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, which include conducting a criminal history background check for approval of firearms purchases or transfers as authorized by state or federal law, to judges in the state courts system for the purpose of assisting them in their case-related decisionmaking responsibilities, as set forth in s. 943.053(5), or to those entities set forth in subparagraphs (a)1., 4., 5., 6., and 8. for their respective licensing, access authorization, and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities; or

7. Is attempting to purchase a firearm from a licensed importer, licensed manufacturer, or licensed dealer and is subject to a criminal history check under state or federal law.

(b) Subject to the exceptions in paragraph (a), a person who has been granted a sealing under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge a sealed criminal history record.

(c) Information relating to the existence of a sealed criminal record provided in accordance with the provisions of paragraph (a) is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (a)1., 4., 5., 6., and 8. for their respective licensing, access authorization, and employment purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or subparagraph (a)8. to disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. Any person who violates the provisions of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) STATUTORY REFERENCES.—Any reference to any other chapter, section, or subdivision of the Florida Statutes in this section constitutes a general reference under the doctrine of incorporation by reference.

Section 31. Paragraph (b) of subsection (1) of section 944.606, Florida Statutes, is amended to read:

944.606 Sexual offenders; notification upon release.—

(1) As used in this section:

(b) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), ~~or (g), or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

Section 32. Paragraph (a) of subsection (1) of section 944.607, Florida Statutes, is amended to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(1) As used in this section, the term:

(a) "Sexual offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody of a private correctional facility:

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), ~~or (g), or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or

2. Who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard as to whether the person otherwise meets the criteria for registration as a sexual offender.

Section 33. Subsection (2) of section 948.013, Florida Statutes, is amended to read:

948.013 Administrative probation.—

(2) Effective for an offense committed on or after July 1, 1998, a person is ineligible for placement on administrative probation if the person is sentenced to or is serving a term of probation or community control, regardless of the conviction or adjudication, for committing, or attempting, conspiring, or soliciting to commit, any of the felony offenses described in s. 787.01 or s. 787.02, where the victim is a minor and the defendant is not the victim's parent; s. 787.025; s. 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135; or s. 847.0145.

Section 34. Subsection (1) of section 948.32, Florida Statutes, is amended to read:

948.32 Requirements of law enforcement agency upon arrest of persons for certain sex offenses.—

(1) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of s. 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

Remove line 14 and insert:

for financial relocation assistance; amending s. 450.021, F.S.; prohibiting the employment of minors in adult theaters; amending s. 450.045, F.S.; requiring adult theaters to verify the ages of employees and independent contractors and maintain specified documentation; amending s. 775.15, F.S.; eliminating the statute of limitations for prosecutions under a specified human trafficking provision; providing applicability; amending s. 787.06, F.S.; revising and providing penalties for various human trafficking offenses against minors and adults; amending s. 775.082, F.S.; providing a life sentence for a specified felony; creating s. 796.001, F.S.; providing legislative intent concerning prosecutions of certain offenses by adults involving minors; repealing ss. 796.03, 796.035, and 796.036, F.S., relating to procuring a person under the age of 18 for prostitution, selling or buying of minors into prostitution, and reclassification of certain violations involving minors, respectively; amending s. 796.05, F.S.; revising and providing penalties for deriving support from the proceeds of prostitution; amending s. 943.0583, F.S.; providing for expunction of criminal history records of certain criminal charges against victims of human trafficking that did not result in convictions; requiring destruction of investigative records related to such expunged records; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; amending ss. 39.01, 90.404, 772.102, 775.0877, 775.21, 787.01, 787.02, 794.056, 856.022, 895.02, 938.085, 938.10, 943.0435, 943.0585, 943.059, 944.606, 944.607, 948.013, and 948.32, F.S.; conforming cross-references; providing an

Rep. Spano moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/CS/HB 487**—A bill to be entitled An act relating to agricultural industry certifications; amending s. 570.07, F.S.; requiring the Department of Agriculture and Consumer Services to annually provide to the State Board of Education and the Department of Education information and industry certifications for farm occupations to be considered for placement on industry certification funding lists; amending s. 1003.492, F.S.; defining industry certification as part of career education programs; requiring the state board to adopt rules for implementing an industry certification process for farm occupations; amending s. 1003.4935, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 7171**—A bill to be entitled An act relating to ratification of rules of the Department of Environmental Protection; exempting a specified rule relating to minimum flows and levels and recovery and prevention strategies for certain water bodies from ratification under s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—was read the second time by title.

Representative Brodeur offered the following:

(Amendment Bar Code: 561291)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. (1) The rule proposed by the Department of Environmental Protection as rule 62-42.300, Florida Administrative Code, entitled "Minimum Flows and Levels and Recovery and Prevention Strategies," which was published on March 7, 2014, in the Florida Administrative Register, Vol. 40, No. 46, pages 1069-1071, and modified by a Notice of Change, published on April 8, 2014, in the Florida Administrative Register,



Vol. 40, No. 68, page 1536, is exempt from ratification under s. 120.541(3), Florida Statutes.

(2) This act serves no other purpose and may not be codified in the Florida Statutes. At the time of filing this rule for adoption, or as soon thereafter as practicable, the department shall publish a notice of the enactment of this exemption in the Florida Administrative Register. This act does not alter rulemaking authority delegated by prior law and does not constitute legislative preemption or of exception to any other provision of law governing adoption or enforcement of the rule cited. This act does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

Section 2. This act shall take effect upon becoming a law.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to establishing minimum water flows and levels for water bodies; exempting specified rules from legislative ratification under s. 120.541(3), F.S.; requiring the Department of Environmental Protection to publish a certain notice; providing an effective date.

WHEREAS, on March 7, 2014, the Department of Environmental Protection proposed rules 62-42.100 and 62-42.200, Florida Administrative Code, establishing the scope and definitions for minimum flows and levels adopted by the department, and rule 62-42.300, Florida Administrative Code, establishing minimum flows and levels for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs, and

WHEREAS, on April 8, 2014, the department published a Notice of Change, modifying its proposed rule 62-42.300, Florida Administrative Code, establishing minimum flows and levels for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs, and

WHEREAS, such rules will implement the public policy established in s. 1, chapter 2013-229, Laws of Florida, and related laws authorizing the department to establish minimum flows and levels for water bodies that affect multiple water management districts, and

WHEREAS, after adoption by the department, rule 62-42.300, Florida Administrative Code, requires legislative ratification pursuant to s. 120.541(3), Florida Statutes, and

WHEREAS, a challenge filed in the Division of Administrative Hearings has delayed adoption of rule 62-42.300, Florida Administrative Code, by the department, making the rule unavailable for ratification during the 2014 Regular Session, and

WHEREAS, it is important that these rules take effect as soon as possible so that associated flow protection rules can be implemented as soon as possible, and

WHEREAS, exempting proposed rule 62-42.300, Florida Administrative Code, from legislative ratification will allow the rules, if otherwise valid, to become effective before the next opportunity for legislative ratification, NOW, THEREFORE,

Rep. Brodeur moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 811**—A bill to be entitled An act relating to foreign investments; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the divestment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring domestic insurers to report annually on specified investments to the Office of Insurance Regulation; providing severability; providing an effective date.

—was read the second time by title.

Representative Hager offered the following:

(Amendment Bar Code: 488239)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (20) of section 215.47, Florida Statutes, is amended to read:

215.47 Investments; authorized securities; loan of securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(20) Notwithstanding the provisions in subsection (5) limiting such investments to 25 percent of any fund, the board may invest up to 50 ~~no more than 35~~ percent of any fund in corporate obligations and securities of any kind of a foreign corporation or a foreign commercial entity having its principal office located in any country other than the United States or its possessions or territories, not including United States dollar-denominated securities listed and traded on a United States exchange that are a part of the ordinary investment strategy of the board.

Section 2. Subsections (1) and (2), paragraph (e) of subsection (3), and subsection (5) of section 215.473, Florida Statutes, are amended to read:

215.473 Divestiture by the State Board of Administration; Sudan; Iran.—

(1) DEFINITIONS.—As used in this section ~~act~~, the term:

(a) "Active business operations" means all business operations that are not inactive business operations.

(b) "Business operations" means engaging in commerce in any form in Sudan or Iran, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(c) "Company" means a ~~any~~ sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit.

(d) "Complicit" means taking actions during any preceding 20-month period which have directly supported or promoted the genocidal campaign in Darfur, including, ~~but not limited to~~, preventing Darfur's victimized population from communicating with each other; encouraging Sudanese citizens to speak out against an internationally approved security force for Darfur; actively working to deny, cover up, or alter the record on human rights abuses in Darfur; or other similar actions.

(e) "Direct holdings" in a company means all securities of that company that are held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

(f) "Government of Iran" means the government of Iran, its instrumentalities, and companies owned or controlled by the government of Iran.

(g) "Government of South Sudan" means the Republic of South Sudan, that has its capital in Juba, South Sudan.

(h)(~~g~~) "Government of Sudan" means the Republic of the Sudan that has its capital government in Khartoum, Sudan, ~~that is led by the National Congress Party, formerly known as the National Islamic Front, or any successor government formed on or after October 13, 2006, including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan, and does not include the regional government of southern Sudan.~~

(i)(~~h~~) "Inactive business operations" means the mere continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for such purpose.

(j)(~~h~~) "Indirect holdings" in a company means all securities of that company that are held in a commingled ~~an account or fund or other collective investment, such as a mutual fund, managed by one or more persons not employed by the public fund,~~ in which the public fund owns shares or interests together with other investors not subject to ~~the provisions of this section act.~~

(k)(+) "Iran" means the Islamic Republic of Iran.

(l)(+) "Marginalized populations of Sudan" include, but are not limited to, the portion of the population in the Darfur region that has been genocidally victimized; the portion of the population of ~~South southern~~ Sudan victimized by Sudan's north-south civil war; the Beja, Rashidiya, and other similarly underserved groups of eastern Sudan; the Nubian and other similarly underserved groups in Sudan's Abyei, Southern Blue Nile, and Nuba Mountain regions; and the Amri, Hamadab, Manasir, and other similarly underserved groups of northern Sudan.

(m)(+) "Military equipment" means weapons, arms, military supplies, and equipment that may readily be used for military purposes, including, but not limited to, radar systems, military-grade transport vehicles, or supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

(n)(+) "Mineral-extraction activities" include the exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc, as well as facilitating such activities, including providing supplies or services in support of such activities.

(o)(+) "Oil-related activities" include, but are not limited to, owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure; and facilitating such activities, including providing supplies or services in support of such activities, except that the mere retail sale of gasoline and related consumer products is not considered an oil-related activity.

(p)(+) "Petroleum resources" means petroleum, petroleum byproducts, or natural gas.

(q)(+) "Power-production activities" means ~~a any~~ business operation that involves a project commissioned by the National Electricity Corporation (NEC) of Sudan or other similar entity of the government of Sudan whose purpose is to facilitate power generation and delivery, including, but not limited to, establishing power-generating plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project, as well as facilitating such activities, including providing supplies or services in support of such activities.

(r)(+) "Public fund" means all funds, assets, trustee, and other designates under the State Board of Administration pursuant to chapter 121.

(s)(+) "Scrutinized active business operations" means active business operations that ~~result have resulted~~ in a company becoming a scrutinized company.

(t)(+) "Scrutinized business operations" means business operations that ~~result have resulted~~ in a company becoming a scrutinized company.

(u)(+) "Scrutinized company" means ~~a any~~ company that meets any of the following criteria:

1. The company has business operations that involve contracts with or provision of supplies or services to the government of Sudan, companies in which the government of Sudan has ~~a any~~ direct or indirect equity share, consortiums or projects commissioned by the government of Sudan, or companies involved in consortiums or projects commissioned by the government of Sudan, and:

a. More than 10 percent of the company's revenues or assets linked to Sudan involve oil-related activities or mineral-extraction activities; less than 75 percent of the company's revenues or assets linked to Sudan involve contracts with or provision of oil-related or mineral-extracting products or services to the ~~regional~~ government of ~~South southern~~ Sudan ~~or a project or consortium created exclusively by that regional government~~; and the company has failed to take substantial action; or

b. More than 10 percent of the company's revenues or assets linked to Sudan involve power-production activities; less than 75 percent of the company's power-production activities include projects whose intent is to provide power or electricity to the marginalized populations of Sudan; and the company has failed to take substantial action.

2. The company is complicit in the Darfur genocide.

3. The company supplies military equipment within Sudan, unless it clearly shows that the military equipment cannot be used to facilitate offensive military actions in Sudan or the company implements rigorous and verifiable safeguards to prevent use of that equipment by forces actively participating in armed conflict. Examples of safeguards include post-sale tracking of such equipment by the company, certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan, or sale of such equipment solely to the ~~regional~~ government of ~~South southern~~ Sudan or any internationally recognized peacekeeping force or humanitarian organization.

4. The company has business operations that involve contracts with or provision of supplies or services to the government of Iran, companies in which the government of Iran has any direct or indirect equity share, consortiums, or projects commissioned by the government of Iran, or companies involved in consortiums or projects commissioned by the government of Iran and:

a. More than 10 percent of the company's total revenues or assets are linked to Iran and involve oil-related activities or mineral-extraction activities; and the company has failed to take substantial action; or

b. The company has, with actual knowledge, on or after August 5, 1996, made an investment of \$20 million or more, or any combination of investments of at least \$10 million each, which in the aggregate equals or exceeds \$20 million in any 12-month period, and which directly or significantly contributes to the enhancement of Iran's ability to develop the petroleum resources of Iran.

(v)(+) "Social-development company" means a company whose primary purpose in Sudan is to provide humanitarian goods or services, including medicine or medical equipment; agricultural supplies or infrastructure; educational opportunities; journalism-related activities; information or information materials; spiritual-related activities; services of a purely clerical or reporting nature; food, clothing, or general consumer goods that are unrelated to oil-related activities; mineral-extraction activities; or power-production activities.

(w)(+) "Substantial action specific to Iran" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within 1 year and to refrain from ~~any~~ such new business operations.

(x)(+) "Substantial action specific to Sudan" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within 1 year and to refrain from ~~any~~ such new business operations; undertaking humanitarian efforts in conjunction with an international organization, the government of Sudan, the ~~regional~~ government of ~~South southern~~ Sudan, or a nonprofit entity evaluated and certified by an independent third party to be substantially in a relationship to the company's Sudan business operations and of benefit to one or more marginalized populations of Sudan; or, through engagement with the government of Sudan, materially improving conditions for the genocidally victimized population in Darfur.

## (2) IDENTIFICATION OF COMPANIES.—

(a) Within 90 days after ~~June 8, 2007 the effective date of this act~~, the public fund shall make its best efforts to identify all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future. Such efforts include:

1. Reviewing and relying, as appropriate in the public fund's judgment, on publicly available information regarding companies having business operations in Sudan, including information provided by nonprofit organizations, research firms, international organizations, and government entities;

2. Contacting asset managers contracted by the public fund ~~which that~~ invest in companies having business operations in Sudan; or

3. Contacting other institutional investors that have divested from or engaged with companies that have business operations in Sudan.

4. Reviewing the laws of the United States regarding the levels of business activity that would cause application of sanctions for companies conducting business or investing in countries that are designated state sponsors of terror.

(b) By the first meeting of the public fund following the 90-day period described in paragraph (a), the public fund shall assemble all scrutinized companies that fit criteria specified in subparagraphs (1)(u)1., 2., and 3. ~~(1)(+)~~

~~1., 2., and 3.~~ into a "Scrutinized Companies with Activities in Sudan List" and ~~shall assemble~~ all scrutinized companies that fit criteria specified in subparagraph ~~(1)(u)4. (1)(e)4.~~ into a "Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List."

(c) The public fund shall update and make publicly available quarterly the Scrutinized Companies with Activities in Sudan List and the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List based on evolving information from, among other sources, those listed in paragraph (a).

(d) Notwithstanding the provisions of this ~~section act~~, a social-development company that is not complicit in the Darfur genocide is not considered a scrutinized company under subparagraph ~~(1)(u)1. (1)(e)1.,~~ subparagraph ~~(1)(u)2. (1)(e)2.,~~ or subparagraph ~~(1)(u)3 (1)(e)3.~~

(3) REQUIRED ACTIONS.—The public fund shall adhere to the following procedure for assembling companies on the Scrutinized Companies with Activities in Sudan List and the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List:

(e) *Excluded securities.*—

1. Notwithstanding the provisions of this ~~section act~~, paragraphs (b) and (c) do not apply to indirect holdings in actively managed investment funds. However, the public fund shall submit letters to the managers of such investment funds containing companies that have scrutinized active business operations requesting that they consider removing such companies from the fund or create a similar actively managed fund having indirect holdings devoid of such companies. If the manager creates a similar fund, the public fund shall replace all applicable investments with investments in the similar fund in an expedited timeframe consistent with prudent investing standards. For the purposes of this section, a private equity fund is deemed to be an actively managed investment fund.

2. Notwithstanding the provisions of this section, paragraphs (b) and (c) do not apply to exchange-traded funds.

(5) EXPIRATION.—This ~~section act~~ expires upon the occurrence of all of the following:

(a) If any of the following occur, the public fund shall no longer scrutinize companies according to subparagraphs ~~(1)(u)1., 2., and 3. (1)(e)1., 2., and 3.~~ and shall no longer assemble the Scrutinized Companies with Activities in Sudan List, shall cease engagement and divestment of such companies, and may reinvest in such companies ~~if as long as~~ such companies do not satisfy the criteria for inclusion in the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List:

1. The Congress or President of the United States, affirmatively and unambiguously states, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that the Darfur genocide has been halted for at least 12 months;

2. The United States revokes all sanctions imposed against the government of Sudan;

3. The Congress or President of the United States affirmatively and unambiguously states, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that the government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons; or

4. The Congress or President of the United States affirmatively and unambiguously states, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that mandatory divestment of the type provided for in this ~~section act~~ interferes with the conduct of United States foreign policy.

(b) If any of the following occur, the public fund shall no longer scrutinize companies according to subparagraph ~~(1)(u)4. (1)(e)4.~~ and shall no longer assemble the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List and shall cease engagement, investment prohibitions, and divestment. The public fund may reinvest in such companies ~~if as long as~~ such companies do not satisfy the criteria for inclusion in the Scrutinized Companies with Activities in Sudan List:

1. The Congress or President of the United States affirmatively and unambiguously states, by means including, but not limited to, legislation,

executive order, or written certification from the President to Congress, that the government of Iran has ceased to acquire weapons of mass destruction and support international terrorism;

2. The United States revokes all sanctions imposed against the government of Iran; or

3. The Congress or President of the United States affirmatively and unambiguously declares, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that mandatory divestment of the type provided for in this ~~section act~~ interferes with the conduct of United States foreign policy.

Section 3. Section 624.449, Florida Statutes, is created to read:

624.449 Insurer investment in foreign companies.—A domestic insurer shall provide to the office on an annual basis a list of investments that the insurer has in companies included on the "Scrutinized Companies with Activities in Sudan List" and the "Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List" compiled by the State Board of Administration pursuant to s. 215.473(2). The insurer's list must include the name of the issuer and the stock, bond, security, and other evidence of indebtedness.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 5. This act shall take effect July 1, 2014.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to foreign investments; amending s. 215.47, F.S.; revising the percentage of investments that the State Board of Administration may invest in foreign securities; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the divestment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring a domestic insurer to provide a list of investments that it has in companies on the State Board of Administration's lists of scrutinized companies with activities in Sudan or in Iran's petroleum energy sector; providing for severability; providing an effective date.

Rep. Hager moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 7095**—A bill to be entitled An act relating to the professional sports facilities incentive application process; amending s. 212.20, F.S.; providing for the distribution of a specified amount of tax proceeds to certain applicants of the professional sports facility incentive program; prohibiting the Department of Revenue from distributing more than a specified amount to program applicants; amending s. 218.64, F.S.; authorizing municipalities and counties to use local government half-cent sales tax distributions to reimburse the state for funding received under the professional sports facility incentive program; amending s. 288.0001, F.S.; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide a detailed analysis of the professional sports facility incentive program; creating s. 288.11625, F.S.; creating the professional sports facility incentive program; providing definitions; providing application requirements and procedures; providing procedures and criteria for the evaluation of applications and the recommendation of applications for a distribution of state funds; providing that an applicant must receive legislative approval of its application in order to receive state funding; requiring an applicant whose application is approved by the Legislature to enter into a contract with the Department of Economic Opportunity containing specified terms in order to become certified; providing for the duration of certain certifications; providing for the distribution of state funds

to certified applicants; requiring certified applicants to submit an annual analysis including specified information; restricting the amount of state funds that may be provided to certified applicants in a specified period; restricting the use of state funds received by a certified applicant to specified purposes; providing for the repayment of distributions under certain circumstances; requiring the department to submit an annual report containing specified information to the Governor and Legislature; requiring the Auditor General to conduct an audit of the program; authorizing the Department of Revenue to recover improperly expended distributions at the request of the Auditor General; providing for the halting of distributions; authorizing the Department of Economic Opportunity to adopt rules; providing an effective date.

—was read the second time by title.

Representatives Diaz, J. and Gaetz offered the following:

(Amendment Bar Code: 552287)

**Amendment 1 (with title amendment)**—Remove line 263 and insert: tenant. However, a professional sports franchise of the National League or the American League of Major League Baseball or Minor League Baseball may not be a beneficiary unless, before filing an application under subsection (3):

1. Major League Baseball verifies to the Attorney General that any Cuban refugee 17 years of age or older who has been present in the United States for less than 1 year and who was not present before the most recent Major League Baseball Rule 4 Draft of amateur players may contract as a free agent under rules no less favorable than the most favorable rules applicable to players who are residents of any country or territory other than the United States, Puerto Rico, or Canada; and

2. The Attorney General verifies that Major League Baseball has agreed to report to the Attorney General the identity of, and a description of the activity giving rise to the identification of, any resident of this state or other person operating in this state who Major League Baseball has reason to believe has engaged in:

a. Human smuggling, human trafficking, or the movement of individuals across national boundaries for purposes of evading Major League Baseball rules applicable to residents of the United States; or

b. Contracting with nondrafted players for an interest in a player's professional baseball compensation or other consideration in exchange for human trafficking, assistance in human smuggling, or avoidance of Major League Baseball rules.

A beneficiary may also be an applicant under this

#### TITLE AMENDMENT

Remove line 20 and insert:

program; providing definitions; requiring certain professional sports franchises to meet additional requirements to be a beneficiary; providing application

Rep. J. Diaz moved the adoption of the amendment, which was adopted.

Representative Waldman offered the following:

(Amendment Bar Code: 326865)

**Amendment 2 (with title amendment)**—Between lines 583 and 584, insert:

Section 5. Section 288.1166, Florida Statutes, is amended to read:

288.1166 Professional sports facility; designation as shelter site for the homeless; establishment of local programs.—A Any professional sports facility constructed with financial assistance from the State of Florida shall be designated as a shelter site for the homeless in accordance with the criteria of locally existing homeless shelter programs, except when the facility is otherwise contractually obligated for a specific event or activity. Such designation requires the issuance of an emergency declaration by the

controlling local government. Should a local program not be in existence in the facility's area, such program shall be established in accordance with normally accepted criteria as defined by the county or its designee.

#### TITLE AMENDMENT

Remove line 48 and insert:

Opportunity to adopt rules; amending s. 288.1166, F.S.; requiring a local government to issue an emergency declaration in order to designate a professional sports facility constructed with financial assistance from the state as a shelter site for the homeless; providing an effective

Rep. Waldman moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 799**—A bill to be entitled An act relating to transitional living facilities; creating part XI of chapter 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of chapter 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.;

revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/CS/HB 819**—A bill to be entitled An act relating to the Department of Health; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide reproductions of specified records to the Department of Health under certain circumstances; amending s. 381.004, F.S.; revising and providing definitions; specifying the notification and consent procedures for performing an HIV test in a health care setting and a nonhealth care setting; amending s. 382.011, F.S.; providing that a member of the public may not be charged for certain examinations, investigations, or autopsies; authorizing a county to charge a medical examiner approval fee; amending s. 395.3025, F.S.; clarifying duties of the department to maintain the confidentiality of patient records that it obtains under subpoena pursuant to an investigation; authorizing licensees under investigation to inspect or receive copies of patient records connected with the investigation, subject to certain conditions; amending s. 456.013, F.S.; deleting requirements for the physical size of licenses issued for various health professions; amending s. 456.025, F.S.; deleting fee for issuance of wall certificates for various health profession licenses; authorizing the boards or the department to adopt rules waiving certain fees for a specified period in certain circumstances; amending s. 456.032, F.S.; conforming a cross-reference; amending s. 456.057, F.S.; providing a requirement for rates charged for reproduction of certain records; amending s. 458.319, F.S.; providing continuing medical education requirements for Board of Medicine licensees; authorizing the board to adopt rules; amending s. 458.3485, F.S.; deleting a provision authorizing medical assistants to be certified by certain entities; amending s. 464.203, F.S.; revising certified nursing assistant inservice training requirements; repealing s. 464.2085, F.S., relating to the creation, membership, and duties of the Council on Certified Nursing Assistants; amending s. 466.032, F.S.; deleting a requirement that the department provide certain notice to a dental laboratory operator who fails to renew her or his registration; amending s. 467.009, F.S.; revising the organization that must accredit certain midwifery programs; amending s. 468.1665, F.S.; revising membership of the Board of Nursing Home Administrators; amending s. 468.1695, F.S.; revising an educational requirement for an applicant to be eligible to take the nursing home administrator licensure examination; repealing s. 468.1735, F.S., relating to provisional licenses for nursing home administrators; amending ss. 468.503 and 468.505, F.S.; revising the organization with whom an individual must be registered to be a registered dietitian; revising a definition; amending ss. 480.033 and 480.041, F.S.; deleting provisions relating to massage therapy apprentices and apprenticeship programs; deleting a definition and revising licensure requirements for massage therapists, to conform; amending s. 480.042, F.S.; revising requirements for conducting massage therapist licensing examinations and maintaining examination records; amending s. 480.044, F.S.; deleting fee for massage therapy apprentices; amending s. 766.1115, F.S.; requiring a health care provider to continue to be an agent for a specified period after determination of ineligibility; amending s. 823.05, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Representative Trujillo offered the following:

(Amendment Bar Code: 432225)

**Amendment 1 (with title amendment)**—Remove lines 575-587

#### TITLE AMENDMENT

Remove lines 29-31 and insert:

cross-reference; amending s. 458.319, F.S.; providing

Rep. Trujillo moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 1131**—A bill to be entitled An act relating to emergency allergy treatment; amending s. 381.88, F.S.; defining terms; expanding provisions to apply to all emergency allergy reactions, rather than to insect bites only; creating s. 381.885, F.S.; authorizing certain health care practitioners to prescribe epinephrine auto-injectors to an authorized entity; authorizing such entities to maintain a supply of epinephrine auto-injectors; authorizing certified individuals to use epinephrine auto-injectors; authorizing uncertified individuals to use epinephrine auto-injectors under certain circumstances; providing immunity from liability; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 1179**—A bill to be entitled An act relating to home health care; amending s. 400.471, F.S.; exempting certain home health agencies from specified licensure application requirements; amending s. 400.506, F.S.; requiring a licensed nurse registry to ensure that each certified nursing assistant and home health aide referred by the registry present certain credentials; providing that registered nurses, licensed practical nurses, certified nursing assistants, companions or homemakers, and home health aides are independent contractors and not employees of the nurse registries that referred them; requiring a nurse registry to inform the patient, the patient's family, or a person acting on behalf of the patient that the referred caregiver is an independent contractor and that the nurse registry is not required to monitor, supervise, manage, or train the referred caregiver; providing the duties of the nurse registry for a violation of certain laws by an individual referred by the nurse registry; requiring that certain records be kept in accordance with rules set by the Agency for Health Care Administration; providing that a nurse registry does not have an obligation to review or act upon such records except under certain circumstances; providing an effective date.

—was read the second time by title.

#### THE SPEAKER PRO TEMPORE IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 7113**—A bill to be entitled An act relating to health care; amending s. 395.1051, F.S.; requiring a hospital to notify obstetrical physicians before the hospital closes its obstetrical department or ceases to provide obstetrical services; providing legislative findings; permitting a hospital that has operated as a Level I, Level II, or pediatric trauma center for a specified period to continue operating at that trauma center level under certain conditions, notwithstanding any other provision of law; making a hospital that complies with such requirements eligible for renewal of its 7-year approval period under s. 395.4025(6), F.S.; requiring a hospital that obtains a trauma center consultation report after the site visit to provide the report to the Department of Health; requiring the department to use the trauma center consultation reports in any assessment of the state trauma system; amending s. 395.401, F.S.; restricting trauma service fees to \$15,000 until July 1, 2015; amending s. 395.402, F.S.; deleting factors to be considered by the department in conducting an assessment of the trauma system; assigning Collier County to trauma service area 15 rather than area 17; amending s. 395.4025, F.S.; requiring a trauma center to post its trauma activation fee in the trauma center and on its website; creating s. 456.47, F.S.; defining terms; providing for certain practice standards for telehealth providers; providing for the maintenance and confidentiality of medical records; requiring the registration of health care professionals not licensed in this state to use telehealth to deliver health care services; providing registration requirements; prohibiting registrants from opening an office or providing in-

person health care services in this state; requiring a registrant to notify the appropriate board or the department of certain actions against the registrant's professional license; prohibiting a health care professional with a revoked license from being registered as a telehealth provider; providing exemptions to the registration requirement; providing rulemaking authority; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for the relocation of a specified percentage of acute care hospital beds from a licensed hospital to another location; requiring certain information to be included in a request for exemption; amending s. 381.026, F.S.; including independent nurse practitioners within the definition of "health care provider"; amending s. 382.008, F.S.; authorizing independent nurse practitioners to certify causes of death and to sign, correct, and file death certificates; amending s. 394.463, F.S.; authorizing an independent nurse practitioner to execute a certificate to require, under the Baker Act, an involuntary examination of a person; authorizing a qualified independent nurse practitioner to examine a person at a receiving facility and approve the release of a person at the receiving facility under the Baker Act; amending s. 456.048, F.S.; requiring independent nurse practitioners to maintain medical malpractice insurance or provide proof of financial responsibility; exempting independent nurse practitioners from such requirements under certain circumstances; amending s. 456.44, F.S.; providing certain requirements for independent nurse practitioners who prescribe controlled substances for the treatment of chronic nonmalignant pain; amending s. 464.003, F.S.; revising the definition of the term "advanced or specialized nursing practice" to require a joint committee to establish an exclusionary formulary of controlled substances; defining the term "independent nurse practitioner"; amending s. 464.012, F.S.; authorizing advanced registered nurse practitioners to perform certain acts as they relate to controlled substances; providing limitations; amending s. 464.0125, F.S., providing for the registration of qualified advanced registered nurse practitioners as independent nurse practitioners; authorizing registered independent nurse practitioners to perform certain acts; requiring advanced registered nurse practitioners registered as independent nurse practitioners to include their registered status on their practitioner profiles; requiring independent nurse practitioners to complete a certain amount of continuing education in pharmacology for biennial renewal of registration; aligning the biennial renewal cycle period for registration for independent nurse practitioners with the advanced registered nurse practitioner licensure renewal cycle; authorizing the Board of Nursing to establish fees by rule; providing the board with rulemaking authority; amending s. 464.015, F.S.; providing title protection for independent nurse practitioners; creating s. 464.0155, F.S., requiring independent nurse practitioners to report adverse incidents to the Board of Nursing in a certain manner; defining the term "adverse incident"; providing for board review of the adverse incident; authorizing the board to take disciplinary action for adverse incidents; amending s. 464.018, F.S.; adding certain acts to an existing list of acts for which nurses may be administratively disciplined; amending s. 893.02, F.S.; redefining the term "practitioner" to include independent nurse practitioners; amending s. 960.28, F.S.; conforming a cross-reference; amending s. 288.901, F.S.; requiring Enterprise Florida, Inc., to collaborate with the Department of Economic Opportunity to market this state as a health care destination; amending s. 288.923, F.S.; directing the Division of Tourism Marketing to include the promotion of medical tourism in its marketing plan; creating s. 288.924, F.S.; requiring the medical tourism plan to promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers in this state and to include an initiative to showcase qualified health care providers; requiring a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation to be allocated for the medical tourism marketing plan; requiring the Florida Tourism Industry Marketing Corporation to create a matching grant program; specifying criteria for the grant program; requiring that a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation be allocated for the grant program; amending s. 456.072, F.S.; providing additional grounds for discipline of a licensee of the department by a regulatory board; requiring the suspension and fining of an independent nurse practitioner for prescribing or dispensing a controlled substance in a certain manner; amending s. 893.055, F.S.; revising definitions; revising provisions relating to the database of

controlled substance dispensing information; revising program funding requirements; requiring a prescriber to access and view certain patient information in the database before initially prescribing a controlled substance; providing requirements related to the release of identifying information; providing requirements for the release of information shared with a state attorney in response to a discovery demand; providing procedures for the release of information to a law enforcement agency during an active investigation; requiring the department to enter into a user agreement with a law enforcement agency requesting the release of information; providing requirements for the user agreement; requiring a law enforcement agency under a user agreement to conduct annual audits; providing for the restriction, suspension, or termination of a user agreement; revising information retention requirements; revising provisions required in a contract with a direct-support organization; requiring the state to use certain properties and funds to support the program; providing for the adoption of specific rules by the department; amending s. 893.0551, F.S.; conforming references; amending s. 154.11, F.S.; authorizing a public health trust to execute contracts and other instruments with certain organizations without prior approval by the governing body of the county; providing an appropriation to the Department of Health to fund the administration of the prescription drug monitoring program; providing effective dates.

—was read the second time by title.

#### REPRESENTATIVE WORKMAN IN THE CHAIR

Representative Brodeur offered the following:

(Amendment Bar Code: 805503)

**Amendment 1 (with title amendment)**—Remove lines 183-326 and insert:

Section 2. (1) Effective upon this act becoming a law and notwithstanding any other provision of law, a hospital that, after the enactment of chapter 2004-259, Laws of Florida, has operated continuously as a verified Level I, Level II, or pediatric trauma center for a consecutive 12-month period, remains operational for the consecutive 12-month period immediately preceding the effective date of this act, and on or before April 1, 2015, certifies to the department its compliance with the Florida trauma standards, may continue to operate at the same trauma center level as a verified Level I, Level II, or pediatric trauma center until the approval period in s. 395.4025(6), Florida Statutes, expires, and as long as the hospital continues to meet the requirements of s. 395.4025(6), Florida Statutes, related to trauma center standards and patient outcomes. A hospital that meets the requirements of this section shall be eligible for renewal of its 7-year approval period pursuant to s. 395.4025(6), Florida Statutes.

(2) Effective upon this act becoming a law and notwithstanding any other provision of law, a hospital that, after the enactment of chapter 2004-259, Laws of Florida, has operated continuously as a provisional Level I, Level II, or pediatric trauma center for a consecutive 12-month period, remains operational for the consecutive 12-month period immediately preceding the effective date of this act, is determined to be verified by the department on or before December 31, 2014, and certifies to the department on or before April 1, 2015, its compliance with the Florida trauma standards, may continue to operate at the same trauma center level as a verified Level I, Level II, or pediatric trauma center until the approval period in s. 395.4025(6), Florida Statutes, expires as long as the hospital continues to meet the requirements of s. 395.4025(6), Florida Statutes, related to trauma center standards and patient outcomes. A hospital that meets the requirements of this section shall be eligible for renewal of its 7-year approval period pursuant to s. 395.4025(6), Florida Statutes.

Section 3. Effective upon this act becoming a law, paragraphs (k) through (o) of subsection (1) of section 395.401, Florida Statutes, are redesignated as paragraphs (l) through (p), respectively, and a new paragraph (k) is added to that subsection, to read:

395.401 Trauma services system plans; approval of trauma centers and pediatric trauma centers; procedures; renewal.—

(1)

(k) A hospital operating a trauma center may not charge a trauma activation fee greater than \$15,000. This paragraph expires on July 1, 2015.

Section 4. Paragraphs (a) and (e) of subsection (2) and subsection (4) of section 395.402, Florida Statutes, are amended to read:

395.402 Trauma service areas; number and location of trauma centers.—

(2) Trauma service areas as defined in this section are to be utilized until the Department of Health completes an assessment of the trauma system and reports its finding to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the substantive legislative committees. The report shall be submitted by February 1, 2005. The department shall review the existing trauma system and determine whether it is effective in providing trauma care uniformly throughout the state. The assessment shall:

~~(a) Consider aligning trauma service areas within the trauma region boundaries as established in July 2004.~~

~~(e) Review the Regional Domestic Security Task Force structure and determine whether integrating the trauma system planning with interagency regional emergency and disaster planning efforts is feasible and identify any duplication of efforts between the two entities.~~

(4) Annually thereafter, the department shall review the assignment of the 67 counties to trauma service areas, in addition to the requirements of paragraphs ~~(2)(a)-(f)~~ ~~(2)(b)-(g)~~ and subsection (3). County assignments are made for the purpose of developing a system of trauma centers. Revisions made by the department shall take into consideration the recommendations made as part of the regional trauma system plans approved by the department and the recommendations made as part of the state trauma system plan. In cases where a trauma service area is located within the boundaries of more than one trauma region, the trauma service area's needs, response capability, and system requirements shall be considered by each trauma region served by that trauma service area in its regional system plan. Until the department completes the February 2005 assessment, the assignment of counties shall remain as established in this section.

(a) The following trauma service areas are hereby established:

1. Trauma service area 1 shall consist of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

2. Trauma service area 2 shall consist of Bay, Gulf, Holmes, and Washington Counties.

3. Trauma service area 3 shall consist of Calhoun, Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.

4. Trauma service area 4 shall consist of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union Counties.

5. Trauma service area 5 shall consist of Baker, Clay, Duval, Nassau, and St. Johns Counties.

6. Trauma service area 6 shall consist of Citrus, Hernando, and Marion Counties.

7. Trauma service area 7 shall consist of Flagler and Volusia Counties.

8. Trauma service area 8 shall consist of Lake, Orange, Osceola, Seminole, and Sumter Counties.

9. Trauma service area 9 shall consist of Pasco and Pinellas Counties.

10. Trauma service area 10 shall consist of Hillsborough County.

11. Trauma service area 11 shall consist of Hardee, Highlands, and Polk Counties.

12. Trauma service area 12 shall consist of Brevard and Indian River Counties.

13. Trauma service area 13 shall consist of DeSoto, Manatee, and Sarasota Counties.

14. Trauma service area 14 shall consist of Martin, Okeechobee, and St. Lucie Counties.

15. Trauma service area 15 shall consist of Charlotte, Collier, Glades, Hendry, and Lee Counties.

16. Trauma service area 16 shall consist of Palm Beach County.

~~17. Trauma service area 17 shall consist of Collier County.~~

~~17.48.~~ Trauma service area 17 ~~48~~ shall consist of Broward County.

~~18.49.~~ Trauma service area 18 ~~49~~ shall consist of Miami-Dade and Monroe Counties.

(b) Each trauma service area should have at least one Level I or Level II trauma center. The department shall allocate, by rule, the number of trauma centers needed for each trauma service area.

(c) There shall be no more than a total of 44 trauma centers in the state.

Section 5. Effective upon this act becoming a law, subsection (7) of section 395.4025, Florida Statutes, is amended and subsections (15) and (16) are added to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(7) A trauma center, or a ~~any~~ hospital that has submitted an application for selection as a trauma center within the same trauma service area as another applicant for a trauma center, may that wishes to protest a decision made by the department based on the department's preliminary or in-depth review of applications or on the recommendations of the site visit review team pursuant to this section shall proceed as provided in chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57. Cases filed under chapter 120 may combine all disputes between parties.

(15) The department may not verify, designate, or provisionally approve any hospital to operate as a trauma center through the procedures established in subsections (1) through (13). This subsection expires the earlier of July 1, 2015, or upon the effective date a rule adopted by the department allocating the number of trauma centers needed for each trauma service area as provided in s. 395.402(4).

(16) Each trauma center must post its trauma activation fee amount in a conspicuous place within the trauma center and in a prominent position on the home page of the trauma center's Internet website.

#### TITLE AMENDMENT

Remove lines 6-27 and insert:

remove a hospital that has operated as a Level I, Level II, or pediatric trauma center for a specified period to continue operating at that trauma center level under certain conditions, notwithstanding any other provision of law; making a hospital that complies with such requirements eligible for renewal of its 7-year approval period under s. 395.4025(6); permitting a hospital that has operated as a Level I, Level II, or pediatric trauma center for a specified period and is verified by the Department of Health on or before a certain date to continue operating at that trauma center level under certain conditions, notwithstanding any other provision of law; making a hospital that complies with such requirements eligible for renewal of its 7-year approval period under s. 395.4025(6); amending s. 395.401, F.S.; restricting trauma service fees to \$15,000 until July 1, 2015; amending s. 395.402, F.S.; deleting factors to be considered by the department in conducting an assessment of the trauma system; assigning Collier County to trauma service area 15 rather than area 17; amending s. 395.4025, F.S.; permitting a trauma center or hospital located in the same trauma service area to protest a decision by the department to approve another trauma center; establishing a moratorium on the approval of additional trauma centers until the earlier of July 1, 2015, or upon the effective date a rule adopted by the department allocating the number of trauma centers needed for each trauma service area; requiring a trauma center to post its trauma activation fee in the trauma center and on its website; creating s. 456.47, F.S.; defining terms;

Rep. Brodeur moved the adoption of the amendment, which was adopted.

Representative Brodeur offered the following:

(Amendment Bar Code: 041653)

**Amendment 2**—Remove lines 468-480 and insert:

1. The applicant is a nonpublic hospital with at least 600 beds licensed under chapter 395.

2. The hospital provides care to a greater percentage of charity care as defined in s. 409.911(1)(c) than any other acute care hospital operating in the same county.

3. At least 12.5 percent of the care provided by the applicant qualifies as charity care as defined in s. 409.911(1)(c) measured by gross revenues or

patient days for the most recent fiscal year reported in the Florida Hospital Uniform Reporting System.

4. The applicant has no greater than and no less than an investment grade bond credit

Rep. Brodeur moved the adoption of the amendment, which was adopted.

Representative Gonzalez offered the following:

(Amendment Bar Code: 735717)

**Amendment 3 (with title amendment)**—Remove lines 1743-1758

#### TITLE AMENDMENT

Remove lines 157-161 and insert:

893.0551, F.S.; conforming references; providing an appropriation to the

Rep. Gonzalez moved the adoption of the amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 684].

#### THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 3**, which failed of adoption. The vote was:

Session Vote Sequence: 685

Speaker Weatherford in the Chair.

Yeas—53

Adkins	Gibbons	Pritchett	Stark
Antone	Gonzalez	Rader	Stewart
Berman	Hooper	Rangel	Stone
Bracy	Jones, M.	Raschein	Taylor
Campbell	Jones, S.	Reed	Torres
Castor Dentel	Kerner	Rehwinkel Vasilinda	Van Zant
Clarke-Reed	Lee	Richardson	Waldman
Clelland	Mayfield	Rodriguez, J.	Watson, B.
Cruz	McGhee	Rogers	Watson, C.
Danish	Moskowitz	Rouson	Williams, A.
Diaz, M.	Murphy	Saunders	Zimmermann
Dudley	Pafford	Schwartz	
Edwards	Peters	Slosberg	
Fullwood	Powell	Stafford	

Nays—62

Ahern	Eagle	McBurney	Roberson, K.
Albritton	Eisnaugle	Metz	Rodrigues, R.
Artiles	Fitzenhagen	Moraitis	Rooney
Baxley	Gaetz	Nelson	Santiago
Bileca	Goodson	Núñez	Schenck
Boyd	Grant	Oliva	Smith
Brodeur	Hager	Passidomo	Spano
Broxson	Harrell	Patronis	Steube
Caldwell	Hill	Perry	Tobia
Coley	Holder	Pigman	Trujillo
Combee	Hood	Pilon	Weatherford
Corcoran	Hudson	Porter	Wood
Crisafulli	Hutson	Raburn	Workman
Cummings	Ingram	Raulerson	Young
Davis	La Rosa	Ray	
Diaz, J.	Magar	Renuart	

Representative Pigman offered the following:

(Amendment Bar Code: 299783)

**Amendment 4 (with title amendment)**—Between lines 1758 and 1759, insert:

Section 30. Subsection (3) of section 458.3485, Florida Statutes, is amended to read:

458.3485 Medical assistant.—

~~(3) CERTIFICATION. Medical assistants may be certified by the American Association of Medical Assistants or as a Registered Medical Assistant by the American Medical Technologists.~~

#### TITLE AMENDMENT

Remove line 161 and insert:

body of the county; amending s. 458.3485, F.S.; deleting a provision specifying entities authorized to certify medical assistants; providing an appropriation to the

Rep. Pigman moved the adoption of the amendment, which was adopted.

Representative Wood offered the following:

(Amendment Bar Code: 000319)

**Amendment 5 (with title amendment)**—Between lines 1758 and 1759, insert:

Section 30. Subsection (2) of section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(2) A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats, must be dated on the prescription in numerical, month/day/year format, or with the abbreviated month written out, or the month written out in whole on the face of the prescription, and must be either written on a standardized counterfeit-proof prescription pad produced by a vendor approved by the department or electronically prescribed as that term is used in s. 408.0611. As a condition of being an approved vendor, a prescription pad vendor must submit a monthly report to the department which, at a minimum, documents the number of prescription pads sold and identifies the purchasers. The department may, by rule, require the reporting of additional information.

Section 31. Subsection (1) of section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—

(1) A person other than a licensed pharmacist or pharmacy intern may not engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to pharmacy technicians who are registered pursuant to this section those duties, tasks, and functions that do not fall within the purview of s. 465.003(13). All such delegated acts must ~~shall~~ be performed under the direct supervision of a licensed pharmacist who is ~~shall~~ be responsible for all such acts performed by persons under his or her supervision. A registered pharmacy ~~registered~~ technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests. A licensed pharmacist may supervise up to three registered pharmacy technicians not supervise more than one registered pharmacy technician unless otherwise authorized by the board pursuant to this subsection permitted by the guidelines adopted by the board.

(a) The board shall establish by rule the circumstances under which a licensee, who applies to the board for approval, guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than three, one but not more than six registered three pharmacy technicians. In establishing these circumstances, the board shall consider, for safety, the following factors:

1. The average number of prescriptions filled each month by the pharmacy where the applicant works.

2. Whether the pharmacy is a community pharmacy, nuclear pharmacy, special pharmacy, Internet pharmacy, or institutional pharmacy.

3. Whether the pharmacy holds a special sterile compounding permit or special parenteral or enteral permit.

4. The pharmacy's hours of operation.

5. The number of licensed pharmacists working in the pharmacy and the number of registered pharmacy technicians supervised by each pharmacist.

(b) The board must authorize a licensee, who submits proof to the board that he or she is employed by an entity operating an automated pharmacy



system or by a pharmacy performing centralized prescription filling, to supervise more than three registered pharmacy technicians as long as that licensee is employed by that entity or pharmacy. The licensee must notify the board within 30 days after the licensee is no longer employed by the entity or pharmacy.

#### TITLE AMENDMENT

Remove line 161 and insert:

body of the county; amending s. 456.42, F.S.; requiring written prescriptions for specified controlled substances to be dated in a specified format; amending s. 465.014, F.S.; providing the number of registered pharmacy technicians a licensed pharmacist may supervise if approved by the Board of Pharmacy after considering certain factors; requiring the board to authorize a licensed pharmacist to supervise more than three pharmacy technicians if a licensee is employed by certain entities; requiring a licensee to provide the board with notice of employment status under certain circumstances; providing an appropriation to the

Rep. Wood moved the adoption of the amendment.

#### REPRESENTATIVE HOOPER IN THE CHAIR

Representative Rodríguez, J. offered the following:

(Amendment Bar Code: 163101)

**Amendment 1 to Amendment 5 (with title amendment)**—Remove lines 61-68 of the amendment

#### TITLE AMENDMENT

Remove lines 82-84 of the amendment and insert:  
licensee is employed by certain entities;

Rep. J. Rodríguez moved the adoption of the amendment to the amendment.

#### THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 1 to Amendment 5**, which failed of adoption.

The question recurred on the adoption of **Amendment 5**, which was adopted.

Representative Brodeur offered the following:

(Amendment Bar Code: 190285)

**Amendment 6 (with title amendment)**—Between lines 1763 and 1764, insert:

Section 31. Subsections (1) and (2) of section 465.189, Florida Statutes, are amended to read:

465.189 Administration of vaccines and epinephrine autoinjection.—

(1) In accordance with guidelines of the Centers for Disease Control and Prevention for each recommended immunization or vaccine, a pharmacist may administer the following vaccines to an adult within the framework of an established protocol under a supervising physician licensed under chapter 458 or chapter 459:

- (a) Influenza vaccine.
- (b) Pneumococcal vaccine.
- (c) Meningococcal vaccine.
- (d) Shingles vaccine.

(2) ~~In accordance with guidelines of the Centers for Disease Control and Prevention, a pharmacist may administer the shingles vaccine within the framework of an established protocol and pursuant to a written or electronic~~

~~prescription issued to the patient by a physician licensed under chapter 458 or chapter 459.~~

#### TITLE AMENDMENT

Remove line 163 and insert:

prescription drug monitoring program; amending s. 465.189, F.S.; authorizing pharmacists to administer meningococcal and shingles vaccines under certain circumstances; providing

Rep. Brodeur moved the adoption of the amendment.

Representative Pigman offered the following:

(Amendment Bar Code: 024583)

**Amendment 1 to Amendment 6 (with title amendment)**—Between lines 4 and 5 of the amendment, insert:

Section 31. Paragraph (t) of subsection (1) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(t) Assess all residents within 5 working days after admission for eligibility for pneumococcal polysaccharide vaccination or revaccination (PPV) and vaccinate residents when indicated within 60 days ~~after the effective date of this act~~ in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. ~~Residents admitted after the effective date of this act shall be assessed within 5 working days of admission and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs.~~ Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this paragraph. This paragraph does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

#### TITLE AMENDMENT

Between lines 29 and 30 of the amendment, insert:

400.141, F.S.; revising provisions for administration and management of nursing home facilities; amending s.

Rep. Pigman moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 6**, as amended, which was adopted.

Representative Brodeur offered the following:

(Amendment Bar Code: 334445)

**Amendment 7 (with title amendment)**—Between lines 1763 and 1764, insert:

Section 31. Subsection (3), paragraph (e) of subsection (4), and paragraphs (a), (c), and (e) of subsection (7) of section 458.347, Florida Statutes, are amended to read:

458.347 Physician assistants.—

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a licensed physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for

the performance and the acts and omissions of the physician assistant. A physician may not supervise more than eight ~~four~~ currently licensed physician assistants at any one time. A physician supervising a physician assistant pursuant to this section may not be required to review and cosign charts or medical records prepared by such physician assistant. Notwithstanding this subsection, a physician may only supervise up to four physician assistants in medical offices other than the physician's primary practice location pursuant to s. 458.348(4)(c).

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervisory physician's practice unless such medication is listed on the formulary created pursuant to paragraph (f). A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed or dispensed by the physician assistant.

2. The supervisory physician must notify the department of his or her intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a supervising physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. The physician assistant must certify to file with the department a signed affidavit ~~certify to file with the department a signed affidavit~~ that he or she has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

4. The department may issue a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements. The physician assistant shall not be required to independently register pursuant to s. 465.0276.

5. The prescription may must be written or electronic, but must be in a form that complies with ss. 456.0392(1) and 456.42(1) chapter 499 ~~or electronic, but must be in a form that complies with ss. 456.0392(1) and 456.42(1) chapter 499~~ and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. Unless it is a drug or drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

6. The physician assistant must note the prescription or dispensing of medication in the appropriate medical record.

(7) PHYSICIAN ASSISTANT LICENSURE.—

(a) Any person desiring to be licensed as a physician assistant must apply to the department. The department shall issue a license to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for licensure.

3. Has completed the application form and remitted an application fee not to exceed \$300 as set by the boards. An application for licensure made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A ~~sworn~~ statement of any prior felony convictions.

c. A ~~sworn~~ statement of any previous revocation or denial of licensure or certification in any state.

~~d. Two letters of recommendation.~~

~~d.e.~~ A copy of course transcripts and a copy of the course description from a physician assistant training program describing course content in pharmacotherapy, if the applicant wishes to apply for prescribing authority. These documents must meet the evidence requirements for prescribing authority.

e. For physician assistants seeking initial licensure on or after January 1, 2015, fingerprints pursuant to s. 456.0135.

(c) The license must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed \$500 as set by the boards.

2. A ~~sworn~~ statement of no felony convictions in the previous 2 years.

(e) Upon employment as a physician assistant, a licensed physician assistant must notify the department in writing within 30 days after such employment and ~~provide or after any subsequent changes in the supervising physician. The notification must include~~ the full name, Florida medical license number, specialty, and address of a designated ~~the~~ supervising physician. Any subsequent change in the designated supervising physician shall be reported to the department within 30 days after the change. Assignment of a designated supervising physician does not preclude a physician assistant from practicing under multiple supervising physicians.

Section 32. Paragraph (c) of subsection (4) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising physician, must comply with the standards set forth in this subsection. For the purpose of this subsection, a physician's "primary practice location" means the address reflected on the physician's profile published pursuant to s. 456.041.

(c) A physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising physician and the services offered at the office are primarily dermatologic or skin care services, which include aesthetic skin care services other than plastic surgery, must comply with the standards listed in subparagraphs 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician supervising a physician assistant pursuant to this paragraph may not be required to review and cosign charts or medical records prepared by such physician assistant.

1. The physician shall submit to the board the addresses of all offices where he or she is supervising an advanced registered nurse practitioner or a physician's assistant which are not the physician's primary practice location.

2. The physician must be board certified or board eligible in dermatology or plastic surgery as recognized by the board pursuant to s. 458.3312.

3. All such offices that are not the physician's primary place of practice must be within 25 miles of the physician's primary place of practice or in a county that is contiguous to the county of the physician's primary place of practice. However, the distance between any of the offices may not exceed 75 miles.

4. The physician may supervise only one office other than the physician's primary place of practice except that until July 1, 2011, the physician may supervise up to two medical offices other than the physician's primary place of practice if the addresses of the offices are submitted to the board before July 1, 2006. Effective July 1, 2011, the physician may supervise only one office other than the physician's primary place of practice, regardless of when the addresses of the offices were submitted to the board.

5. As used in this subparagraph, the term "nonablative aesthetic skin care services" includes, but is not limited to, services provided using intense pulsed light, lasers, radio frequency, ultrasound, injectables, and fillers.

a. Subparagraph 2. does not apply to offices at which nonablative aesthetic skin care services are performed by a physician assistant under the supervision of a physician if the physician assistant has successfully completed at least:

(I) Forty hours of postlicensure education and clinical training on physiology of the skin, skin conditions, skin disorders, skin diseases, preprocedure and postprocedure skin care, and infection control, or has worked under the supervision of a board-certified dermatologist within the preceding 12 months.

(II) Forty hours of postlicensure education and clinical training on laser and light technologies and skin applications, or has 6 months of clinical experience working under the supervision of a board-certified dermatologist who is authorized to perform nonablative aesthetic skin care services.

(III) Thirty-two hours of postlicensure education and clinical training on injectables and fillers, or has 6 months of clinical experience working under the supervision of a board-certified dermatologist who is authorized to perform nonablative aesthetic skin care services.

b. The physician assistant shall submit to the board documentation evidencing successful completion of the education and training required under this subparagraph.

c. For purposes of compliance with s. 458.347(3), a physician who has completed 24 hours of education and clinical training on nonablative aesthetic skin care services, the curriculum of which has been preapproved by the Board of Medicine, is qualified to supervise a physician assistant performing nonablative aesthetic skin care services pursuant to this subparagraph.

Section 33. Subsection (3), paragraph (e) of subsection (4), and paragraphs (a), (b), and (d) of subsection (7) of section 459.022, Florida Statutes, are amended to read:

459.022 Physician assistants.—

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a licensed physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than eight ~~four~~ currently licensed physician assistants at any one time. A physician supervising a physician assistant pursuant to this section may not be required to review and cosign charts or medical records prepared by such physician assistant. Notwithstanding this subsection, a physician may only supervise up to four physician assistants in medical offices other than the physician's primary practice location pursuant to s. 459.025(3)(c).

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervisory physician's practice unless such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed or dispensed by the physician assistant.

2. The supervisory physician must notify the department of her or his intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a supervisory physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. The physician assistant must certify to file with the department a signed affidavit ~~affirm~~ that she or he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

4. The department may issue a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements. The physician assistant shall not be required to independently register pursuant to s. 465.0276.

5. The prescription may must be written or electronic, but must be in a form that complies with ss. 456.0392(1) and 456.42(1) chapter 499 and must contain, in addition to the supervisory physician's name, address, and

telephone number, the physician assistant's prescriber number. Unless it is a drug or drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

6. The physician assistant must note the prescription or dispensing of medication in the appropriate medical record.

(7) PHYSICIAN ASSISTANT LICENSURE.—

(a) Any person desiring to be licensed as a physician assistant must apply to the department. The department shall issue a license to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for licensure.

3. Has completed the application form and remitted an application fee not to exceed \$300 as set by the boards. An application for licensure made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A ~~sworn~~ statement of any prior felony convictions.

c. A ~~sworn~~ statement of any previous revocation or denial of licensure or certification in any state.

~~d. Two letters of recommendation.~~

~~d.e.~~ A copy of course transcripts and a copy of the course description from a physician assistant training program describing course content in pharmacotherapy, if the applicant wishes to apply for prescribing authority. These documents must meet the evidence requirements for prescribing authority.

e. For physician assistants seeking initial licensure on or after January 1, 2015, fingerprints pursuant to s. 456.0135.

(b) The licensure must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed \$500 as set by the boards.

2. A ~~sworn~~ statement of no felony convictions in the previous 2 years.

(d) Upon employment as a physician assistant, a licensed physician assistant must notify the department in writing within 30 days after such employment and provide or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of a designated the supervising physician. Any subsequent change in the designated supervising physician shall be reported to the department within 30 days after the change. Assignment of a designated supervising physician does not preclude a physician assistant from practicing under multiple supervising physicians.

Section 34. Paragraph (c) of subsection (3) of section 459.025, Florida Statutes, is amended to read:

459.025 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—An osteopathic physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the osteopathic physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising osteopathic physician, must comply with the standards set forth in this subsection. For the purpose of this subsection, an osteopathic physician's "primary practice location" means the address reflected on the physician's profile published pursuant to s. 456.041.

(c) An osteopathic physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the osteopathic physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a

supervising osteopathic physician and the services offered at the office are primarily dermatologic or skin care services, which include aesthetic skin care services other than plastic surgery, must comply with the standards listed in subparagraphs 1.-4. Notwithstanding s. 459.022(4)(e)6., an osteopathic physician supervising a physician assistant pursuant to this paragraph may not be required to review and cosign charts or medical records prepared by such physician assistant.

1. The osteopathic physician shall submit to the Board of Osteopathic Medicine the addresses of all offices where he or she is supervising or has a protocol with an advanced registered nurse practitioner or a physician's assistant which are not the osteopathic physician's primary practice location.

2. The osteopathic physician must be board certified or board eligible in dermatology or plastic surgery as recognized by the Board of Osteopathic Medicine pursuant to s. 459.0152.

3. All such offices that are not the osteopathic physician's primary place of practice must be within 25 miles of the osteopathic physician's primary place of practice or in a county that is contiguous to the county of the osteopathic physician's primary place of practice. However, the distance between any of the offices may not exceed 75 miles.

4. The osteopathic physician may supervise only one office other than the osteopathic physician's primary place of practice except that until July 1, 2011, the osteopathic physician may supervise up to two medical offices other than the osteopathic physician's primary place of practice if the addresses of the offices are submitted to the Board of Osteopathic Medicine before July 1, 2006. Effective July 1, 2011, the osteopathic physician may supervise only one office other than the osteopathic physician's primary place of practice, regardless of when the addresses of the offices were submitted to the Board of Osteopathic Medicine.

5. As used in this subparagraph, the term "nonablative aesthetic skin care services" includes, but is not limited to, services provided using intense pulsed light, lasers, radio frequency, ultrasound, injectables, and fillers.

a. Subparagraph 2. does not apply to offices at which nonablative aesthetic skin care services are performed by a physician assistant under the supervision of a physician if the physician assistant has successfully completed at least:

(I) Forty hours of postlicensure education and clinical training on physiology of the skin, skin conditions, skin disorders, skin diseases, preprocedure and postprocedure skin care, and infection control, or has worked under the supervision of a board-certified dermatologist within the preceding 12 months.

(II) Forty hours of postlicensure education and clinical training on laser and light technologies and skin applications, or has 6 months of clinical experience working under the supervision of a board-certified dermatologist who is authorized to perform nonablative aesthetic skin care services.

(III) Thirty-two hours of postlicensure education and clinical training on injectables and fillers, or has 6 months of clinical experience working under the supervision of a board-certified dermatologist who is authorized to perform nonablative aesthetic skin care services.

b. The physician assistant shall submit to the board documentation evidencing successful completion of the education and training required under this subparagraph.

c. For purposes of compliance with s. 459.022(3), a physician who has completed 24 hours of education and clinical training on nonablative aesthetic skin care services, the curriculum of which has been preapproved by the Board of Osteopathic Medicine, is qualified to supervise a physician assistant performing nonablative aesthetic skin care services pursuant to this subparagraph.

#### TITLE AMENDMENT

Remove line 163 and insert:  
prescription drug monitoring program; amending ss. 458.347 and 459.022, F.S.; increasing the number of licensed physician assistants that a physician may supervise at any one time; providing an exception; revising circumstances under which a physician assistant is authorized to prescribe or dispense medication; revising requirements for medications prescribed or dispensed by physician assistants; revising application requirements for licensure as a physician assistant and license renewal; amending ss. 458.348

and 459.025, F.S.; defining the term "nonablative aesthetic skin care services"; authorizing a physician assistant who has completed specified education and clinical training requirements, or who has specified work or clinical experience, to perform nonablative aesthetic skin care services under the supervision of a physician; providing that a physician must complete a specified number of education and clinical training hours to be qualified to supervise physician assistants performing certain services; providing

Rep. Brodeur moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **CS for CS for SB 248** was temporarily postponed.

**CS/CS/CS/HB 573**—A bill to be entitled An act relating to health of residents; amending s. 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility within a specified period after the resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified period; requiring the responsible entity to ensure that there is adequate and consistent monitoring and implementation of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of nursing home residents; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement; amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 409.212, F.S.; increasing the cap on additional supplementation a person may receive under certain conditions; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; requiring that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other agency inspections; authorizing the agency to waive the required yearly

monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending s. 429.075, F.S.; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; providing for classification of the scope of a violation based upon number of residents affected and number of staff involved; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.27, F.S.; revising the amount of cash for which a facility may provide safekeeping for a resident; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; requiring the agency to adopt rules to determine compliance with facility standards and resident's rights; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving the relevant service; amending s. 429.52, F.S.; requiring each newly hired employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and administrator to sign a statement that the employee completed the orientation and keep the signed statement in the employee's personnel record; requiring additional hours of training for assistance with medication; conforming a cross-reference; creating s. 429.55, F.S.; directing the agency to create a consumer information website that publishes specified information regarding assisted living facilities; providing criteria for webpage content; creating s. 429.56, F.S.; authorizing the agency to create and maintain a monitored public comment webpage regarding licensed assisted living facilities; providing restrictions on who may post comments; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; providing appropriations and authorizing positions; amending s. 395.001, F.S.; providing legislative intent regarding recovery care centers; amending s. 395.002, F.S.; revising and providing definitions; amending s. 395.003, F.S.; including recovery care centers as facilities licensed under chapter 395, F.S.; creating s. 395.0171, F.S.; providing admission criteria for a recovery care center; requiring emergency care, transfer, and discharge protocols; authorizing the agency to adopt rules; amending s. 395.1055, F.S.; authorizing the agency to establish separate standards for the care and treatment of patients in recovery care centers; amending s. 395.10973, F.S.; directing the agency to enforce special-

occupancy provisions of the Florida Building Code applicable to recovery care centers; amending s. 395.301, F.S.; providing for format and content of a patient bill from a recovery care center; amending s. 408.802, F.S.; providing applicability of the Health Care Licensing Procedures Act to recovery care centers; amending s. 408.820, F.S.; exempting recovery care centers from specified minimum licensure requirements; amending ss. 394.4787, 409.97, and 409.975, F.S.; conforming cross-references; creating part XI of chapter 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of chapter 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; requiring a preliminary hearing; providing for the payment of attorney fees and costs by a petitioner who fails to make a prima facie showing of harm; authorizing grandparent visitation upon specific court findings; providing factors for court consideration; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the

consolidation of certain concurrent actions; providing for modification of an order awarding grandparent visitation; limiting the frequency of actions seeking visitation; limiting application to a minor child placed for adoption; providing for venue; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; amending s. 752.015, F.S.; conforming provisions and cross-references to changes made by the act; repealing s. 752.01, F.S., relating to actions by a grandparent for visitation rights; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation rights; amending s. 400.474, F.S.; revising the report requirements for home health agencies; providing effective dates.

—was read the second time by title.

Representative Pafford offered the following:

(Amendment Bar Code: 687519)

**Amendment 1 (with title amendment)**—Remove lines 428-438

#### TITLE AMENDMENT

Remove lines 43-45 and insert:  
any other resident right; amending

Rep. Pafford moved the adoption of the amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 686].

The question recurred on the adoption of **Amendment 1**, which failed of adoption. The vote was:

Session Vote Sequence: 687

Speaker Weatherford in the Chair.

Yeas—43

Antone	Gibbons	Rader	Slosberg
Berman	Jones, M.	Rangel	Stafford
Bracy	Jones, S.	Reed	Stark
Campbell	Kerner	Rehwinkel Vasilinda	Stewart
Clarke-Reed	Lee	Renuart	Torres
Clelland	McGhee	Richardson	Waldman
Cruz	Moskowitz	Rodriguez, J.	Watson, B.
Danish	Murphy	Rogers	Watson, C.
Dudley	Pafford	Rouson	Williams, A.
Edwards	Powell	Saunders	Zimmermann
Fullwood	Pritchett	Schwartz	

Nays—66

Adkins	Eagle	McBurney	Roberson, K.
Ahern	Eisnaugle	Metz	Rodriguez, R.
Albritton	Fitzenhagen	Moraitis	Rooney
Artiles	Gaetz	Nelson	Santiago
Baxley	Gonzalez	Nuñez	Smith
Beshears	Goodson	Oliva	Spano
Bileca	Grant	Passidomo	Steube
Boyd	Harrell	Patronis	Stone
Brodeur	Hill	Perry	Taylor
Broxson	Hood	Peters	Tobia
Caldwell	Hooper	Pigman	Trujillo
Coley	Hudson	Pilon	Van Zant
Corcoran	Hutson	Porter	Weatherford
Cummings	Ingram	Raburn	Wood
Davis	La Rosa	Raschein	Young
Diaz, J.	Magar	Raulerson	
Diaz, M.	Mayfield	Ray	

Votes after roll call:

Nays—Combee

Representative Ahern offered the following:

(Amendment Bar Code: 479685)

**Amendment 2 (with title amendment)**—Remove lines 1198-1279 and insert:

Therefore, the Agency for Health Care Administration shall create content that is easily accessible through the home page of the agency's website either directly or indirectly through links to one or more other established websites of the agency's choosing. The website must be searchable by facility name, license type, city, or zip code. By November 1, 2014, the agency shall include all content in its possession on the website and add content when received from facilities. At a minimum, the content must include:

(1) Information on each licensed assisted living facility, including, but not limited to:

(a) The name and address of the facility.

(b) The number and type of licensed beds in the facility.

(c) The types of licenses held by the facility.

(d) The facility's license expiration date and status.

(e) Proprietary or nonproprietary status of the licensee.

(f) Any affiliation with a company or other organization owning or managing more than one assisted living facility in this state.

(g) The total number of clients that the facility is licensed to serve and the most recently available occupancy levels.

(h) The number of private and semiprivate rooms offered.

(i) The bed-hold policy.

(j) The religious affiliation, if any, of the assisted living facility.

(k) The languages spoken by the staff.

(l) Availability of nurses.

(m) Forms of payment accepted, including, but not limited to, Medicaid, Medicaid long-term managed care, private insurance, health maintenance organization, United States Department of Veterans Affairs, CHAMPUS program, or workers' compensation coverage.

(n) Indication if the licensee is operating under bankruptcy protection.

(o) Recreational and other programs available.

(p) Special care units or programs offered.

(q) Whether the facility is a part of a retirement community that offers other services pursuant to this part or part III of this chapter, part II or part III of chapter 400, or chapter 651.

(r) Links to the State Long-Term Care Ombudsman Program website and the program's statewide toll-free telephone number.

(s) Links to the websites of the providers or their affiliates.

(t) Other relevant information that the agency currently collects.

(2) Survey and violation information for the facility, including a list of the facility's violations committed during the previous 60 months, which on July 1, 2014, may include violations committed on or after July 1, 2009. The list shall be updated monthly and include for each violation:

(a) A summary of the violation, including all licensure, revisit, and complaint survey information, presented in a manner understandable by the general public.

(b) Any sanctions imposed by final order.

(c) The date the corrective action was confirmed by the agency.

(3) Links to inspection reports that the agency has on file.

(4) The agency may adopt rules to administer this section.

#### TITLE AMENDMENT

Remove lines 157-160 and insert:

providing for inclusion of all content in the agency's possession by a specified date; authorizing the agency to adopt rules;

Rep. Ahern moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1065**—A bill to be entitled An act relating to licensed massage therapists; amending s. 456.0135, F.S.; requiring an applicant for licensure under chapter 480, F.S., to submit to certain fingerprinting requirements; requiring fingerprints to be enrolled in the national retained print arrest

notification program and the Care Provider Background Screening Clearinghouse; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a massage therapist or establishment for certain offenses; amending s. 480.041, F.S.; requiring an applicant for a massage therapist license to submit to certain background screening requirements; requiring a massage therapist who was issued a license before a specified date to submit to certain background screening requirements by a specified date; requiring the Board of Massage Therapy to deny an application for a new or renewal massage therapy license for certain offenses; amending s. 480.043, F.S.; requiring a person with a specified interest in an establishment to submit to certain background screening requirements; authorizing the department to adopt rules related to corporate assets; requiring the department to deny an application for a new or renewal massage establishment license for certain offenses; requiring a person with a specified interest in a massage establishment that was issued a license before a specified date to submit to certain background screening requirements by a specified date; conforming a cross-reference; amending s. 480.0465, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 7157**—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising applicability of certain definitions; defining the term "plan year"; authorizing the program to include additional benefits; authorizing an employee to use a certain portion of the state's contribution to purchase additional program benefits and supplemental benefits under specified circumstances; providing for the program to offer health plans in specified benefit levels; providing for the Department of Management Services to develop a plan for implementation of the benefit levels; providing reporting requirements; providing for expiration of the implementation plan; creating s. 110.12303, F.S.; authorizing additional benefits to be included in the program; providing that the department shall contract with at least one entity that provides comprehensive pricing and inclusive services for surgery and other medical procedures; providing contract requirements; providing reporting requirements; providing for the department to establish a 3-year price transparency pilot project in certain areas of the state; providing project requirements; providing reporting requirements; creating s. 110.12304, F.S.; directing the department to contract with an independent benefits consultant; providing qualifications and duties of the independent benefits consultant; providing reporting requirements; amending s. 110.12315, F.S., relating to the state employees' prescription drug program; deleting a requirement that the department base its decision as to whether to implement a certain 90-day supply limit on a determination that it would be in the best financial interest of the state; revising the pharmacy dispensing fee; authorizing a retail pharmacy to fill a 90-day supply of certain drugs; repealing s. 54(1) of chapter 2013-41, Laws of Florida; abrogating the scheduled reversion of provisions relating to the state employees' prescription drug program; directing the department to provide premium alternatives to the Governor and Legislature by a specified date; providing criteria for calculating premium alternatives; providing that the General Appropriations Act shall establish premiums for enrollees that reflect the differences in benefit design and value among the health maintenance organization plan options and the preferred provider organization plan options; providing an appropriation and authorizing positions; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 688].

## Remarks

The Speaker recognized Representative Schwartz, who gave brief farewell remarks.

**CS/HB 323**—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; removing the cap on the number of registered pharmacy technicians that the Board of Pharmacy may authorize licensed pharmacists to supervise; requiring guidelines adopted by the board to provide for automatic board approval of certain licensed pharmacists; providing an effective date.

—was read the second time by title.

## THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative Pigman offered the following:

(Amendment Bar Code: 283069)

**Amendment 1 (with title amendment)**—Between lines 11 and 12, insert: Section 1. Subsection (14) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:

(14) "Prescription" includes any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be dispensed by a pharmacist. The term also includes an orally transmitted order by the lawfully designated agent of such practitioner. The term also includes an order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of her or his professional judgment, that the order is valid and necessary for the treatment of a chronic or recurrent illness. The term "prescription" also includes a pharmacist's order for a product selected from the formulary created pursuant to s. 465.186. Prescriptions may be retained in written form or the pharmacist may cause them to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request. The term "prescription" does not include an order for drugs, treatments, or medicinal supplies for patients who are being treated by a facility licensed under chapter 395.

## TITLE AMENDMENT

Remove line 2 and insert:

An act relating to pharmacy; amending s. 465.003, F.S.; revising the definition of the term "prescription"; amending s.

Rep. Pigman moved the adoption of the amendment, which was adopted.

Representative La Rosa offered the following:

(Amendment Bar Code: 629383)

**Amendment 2 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(2) A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats, must be dated on the prescription in numerical, month/day/year format or with the abbreviated month written out, or the month written out in whole on the face of the prescription, and must be either written on a standardized counterfeit-proof prescription pad produced by a vendor approved by the department or electronically prescribed as that term is used in s. 408.0611. As a condition of being an approved vendor, a prescription pad vendor must submit a monthly report to the department ~~that which~~, at a minimum, documents the number of prescription pads sold and identifies the purchasers. The department may, by rule, require the reporting of additional information.

Section 2. Subsection (1) of section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—

(1) A person other than a licensed pharmacist or pharmacy intern may not engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to pharmacy technicians who are registered pursuant to this section those duties, tasks, and functions that do not fall within the purview of s. 465.003(13). All such delegated acts must ~~shall~~ be performed under the direct supervision of a licensed pharmacist who is ~~shall~~ be responsible for all such acts performed by persons under his or her supervision. A registered pharmacy ~~registered~~ technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests. A licensed pharmacist may supervise up to three registered pharmacy technicians ~~not supervise more than one registered pharmacy technician~~ unless otherwise authorized ~~permitted by the guidelines adopted by the board pursuant to this subsection.~~

(a) The board shall establish by rule circumstances under which a licensee who applies to the board for approval may ~~guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may~~ supervise more than three, ~~one~~ but not more than six registered ~~three~~ pharmacy technicians. In establishing these circumstances, the board shall consider, for safety, the following factors:

1. The average number of prescriptions filled each month by the pharmacy where the applicant works.

2. Whether the pharmacy is a community pharmacy, nuclear pharmacy, special pharmacy, Internet pharmacy, or institutional pharmacy.

3. Whether the pharmacy holds a special sterile compounding permit, or special parenteral or enteral permit.

4. The pharmacy's hours of operation.

5. The number of licensed pharmacists working in the pharmacy and the number of registered pharmacy technicians supervised by each pharmacist.

(b) The board must authorize a licensee, who submits proof to the board that he or she is employed by an entity operating an automated pharmacy system or by a pharmacy performing centralized prescription filling, to supervise more than three registered pharmacy technicians as long as that licensee is employed by that entity or pharmacy. The licensee must notify the board within 30 days after the licensee is no longer employed by the entity or pharmacy.

Section 3. This act shall take effect July 1, 2014.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to pharmacy; amending s. 456.42, F.S.; requiring written prescriptions for specified controlled substances to be dated in a specified format; amending s. 465.014, F.S.; providing the number of registered pharmacy technicians a licensed pharmacist may supervise if approved by the Board of Pharmacy after considering certain factors; requiring the board to authorize a licensed pharmacist to supervise more than three pharmacy technicians if a licensee is employed by certain entities; requiring a licensee to provide the board with notice of employment status under certain circumstances; providing an effective date.

Rep. La Rosa moved the adoption of the amendment.

Representative Rodríguez, J. offered the following:

(Amendment Bar Code: 884707)

**Amendment 1 to Amendment 2 (with title amendment)**—Remove lines 62-69 of the amendment

#### TITLE AMENDMENT

Remove lines 83-88 of the amendment and insert:

Pharmacy after considering certain factors;

Rep. J. Rodríguez moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Brodeur offered the following:

(Amendment Bar Code: 707241)

**Amendment 2 to Amendment 2 (with title amendment)**—Between lines 69 and 70 of the amendment, insert:

Section 3. Paragraphs (c) and (d) are added to subsection (1) of section 465.189, Florida Statutes, and subsection (2) of that section is amended, to read:

465.189 Administration of vaccines and epinephrine autoinjection.—

(1) In accordance with guidelines of the Centers for Disease Control and Prevention for each recommended immunization or vaccine, a pharmacist may administer the following vaccines to an adult within the framework of an established protocol under a supervising physician licensed under chapter 458 or chapter 459:

(c) Meningococcal vaccine.

(d) Shingles vaccine.

(2) ~~In accordance with guidelines of the Centers for Disease Control and Prevention, a pharmacist may administer the shingles vaccine within the framework of an established protocol and pursuant to a written or electronic prescription issued to the patient by a physician licensed under chapter 458 or chapter 459.~~

#### TITLE AMENDMENT

Between lines 88 and 89 of the amendment, insert:

amending s. 465.189, F.S.; authorizing pharmacists to administer meningococcal and shingles vaccines under certain circumstances;

Rep. Brodeur moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 1053**—A bill to be entitled An act relating to teacher education; amending s. 1009.60, F.S.; revising eligibility criteria for receipt of a minority teacher education scholarship; amending s. 1009.605, F.S.; requiring the Florida Fund for Minority Teachers, Inc., to submit an annual report to the Legislature relating to scholarship funds and recipients; revising funding for administration and the training program carried out by the board of directors of the Florida Fund for Minority Teachers, Inc.; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 515**—A bill to be entitled An act relating to public assistance fraud; amending s. 414.39, F.S.; providing enhanced criminal penalties if the value of public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value exceeding specified amounts; providing for a report of original information relating to a violation of the state's public assistance fraud laws if the information and report meet specified requirements; amending s. 414.095, F.S.; limiting to a specified period the use of temporary cash assistance benefits out of state; requiring rulemaking; requiring that a parent or caretaker relative who has been disqualified due to fraud have a protective payee designated to receive temporary cash assistance benefits for eligible children; providing requirements for protective payees; providing appropriations and authorizing positions; providing an effective date.



—was read the second time by title.

#### THE SPEAKER IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 7105**—A bill to be entitled An act relating to health care services rulemaking; amending s. 390.012, F.S.; revising rulemaking authority relating to the operation of certain abortion clinics; amending s. 400.021, F.S.; revising the definition of the term "nursing home bed" to remove rulemaking authority for determining minimum space requirements for nursing home beds; amending s. 400.0712, F.S.; removing rulemaking authority relating to inactive nursing home facility licenses; amending s. 400.23, F.S.; revising general rulemaking authority relating to nursing homes and certain health care providers; amending s. 400.487, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to home health agency personnel; amending s. 400.497, F.S.; revising rulemaking authority relating to the Home Health Services Act; amending s. 400.506, F.S.; removing rulemaking authority relating to the licensure of nurse registries and the establishment of certain emergency management plans; amending s. 400.509, F.S.; removing rulemaking authority relating to registration of certain companion services and homemaker services; amending s. 400.6095, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to a hospice care team; amending s. 400.914, F.S.; revising rulemaking authority relating to standards for prescribed pediatric extended care (PPEC) centers; removing rulemaking authority relating to certain limitations on PPEC centers; creating s. 400.9141, F.S.; providing limitations on PPEC centers; amending s. 400.934, F.S.; revising rulemaking authority relating to the preparation of emergency management plans by home medical equipment providers; amending s. 400.935, F.S.; revising rulemaking authority relating to minimum standards for home medical equipment providers; amending s. 400.962, F.S.; removing rulemaking authority relating to certain standards for active treatment by intermediate care facilities for the developmentally disabled; amending s. 400.967, F.S.; revising rulemaking authority relating to the construction of, the preparation of emergency management plans by, and the classification of deficiencies of intermediate care facilities for the developmentally disabled; amending s. 400.980, F.S.; removing rulemaking authority relating to the registration of health care services pools; amending s. 409.912, F.S.; removing rulemaking authority relating to Medicaid provider lock-in programs; amending s. 429.255, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to assisted living facility staff and the use of automated external defibrillators; amending s. 429.73, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to adult family-care home providers; amending s. 440.102, F.S.; removing rulemaking authority relating to certain guidelines for drug-free workplace laboratories; amending s. 483.245, F.S.; revising rulemaking authority relating to the imposition of certain administrative penalties against clinical laboratories; amending s. 765.541, F.S.; revising rulemaking authority relating to standards and guidelines for certain organ donation programs; amending s. 765.544, F.S., removing rulemaking authority relating to administrative penalties for violations with respect to organ and tissue donations; providing an effective date.

—was read the second time by title.

Representative Hutson offered the following:

(Amendment Bar Code: 612215)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (3) of section 390.012, Florida Statutes, is amended to read:

390.012 Powers of agency; rules; disposal of fetal remains.—

(3) For clinics that perform or claim to perform abortions after the first trimester of pregnancy, the agency shall adopt rules pursuant to ss.

120.536(1) and 120.54 to implement the provisions of this chapter, including the following:

(d) Rules relating to the medical screening and evaluation of each abortion clinic patient. At a minimum, these rules shall require:

1. A medical history, including reported allergies to medications, antiseptic solutions, or latex; past surgeries; and an obstetric and gynecological history.

2. A physical examination, including a bimanual examination estimating uterine size and palpation of the adnexa.

3. The appropriate laboratory tests, including:

a. Urine or blood tests for pregnancy performed before the abortion procedure.

b. A test for anemia.

c. Rh typing, unless reliable written documentation of blood type is available.

d. Other tests as indicated from the physical examination.

4. An ultrasound evaluation for all patients. The rules shall require that if a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed in rule. ~~The rules shall require clinics to be in compliance with s. 390.0111.~~

5. That the physician is responsible for estimating the gestational age of the fetus based on the ultrasound examination and obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rule and shall write the estimate in the patient's medical history. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file.

Section 2. Subsection (11) of section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(11) "Nursing home bed" means an accommodation ~~that which~~ is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing; and ~~that which~~ conforms to minimum space requirements, including the availability of appropriate equipment and furnishings within the 48 hours, as specified by ~~rule of~~ the agency, for the provision of services specified in this part to a single resident.

Section 3. Subsection (3) of section 400.0712, Florida Statutes, is amended to read:

400.0712 Application for inactive license.—

~~(3) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement this section.~~

Section 4. Subsection (2), paragraph (a) of subsection (3), subsections (4) and (5), paragraph (e) of subsection (7), and subsection (8) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, may ~~shall adopt and enforce~~ rules to implement this part and part II of chapter 408. ~~The rules, which shall include, but need not be limited to,~~ reasonable and fair criteria in relation to:

(a) The location of the facility and housing conditions that will ensure the health, safety, and comfort of residents, including an adequate call system. In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. In performing any inspections of facilities authorized by this part or part II of chapter 408, the agency may enforce the special-occupancy provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to nursing homes. Residents or their representatives shall be able to request a change in the placement of the bed in their room, provided that at admission they are presented with a room that meets requirements of the Florida Building Code. The location of a bed may be changed if the requested placement does not infringe on the resident's roommate or interfere with the resident's care or safety as determined by the care planning team in accordance with facility policies and procedures. In addition, the bed

placement may not be used as a restraint. Each facility shall maintain a log of resident rooms with beds that are not in strict compliance with the Florida Building Code in order for such log to be used by surveyors and nurse monitors during inspections and visits. A resident or resident representative who requests that a bed be moved shall sign a statement indicating that he or she understands the room will not be in compliance with the Florida Building Code, but they would prefer to exercise their right to self-determination. The statement must be retained as part of the resident's care plan. Any facility that offers this option must submit a letter signed by the nursing home administrator of record to the agency notifying it of this practice with a copy of the policies and procedures of the facility. The agency is directed to provide assistance to the Florida Building Commission in updating the construction standards of the code relative to nursing homes.

(b) The number and qualifications of all personnel, including management, medical, nursing, and other professional personnel, and nursing assistants, orderlies, and support personnel, having responsibility for any part of the care given residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof, based on rules developed under this chapter and the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall establish ~~adopt rules establishing~~ minimum criteria for the plan after consultation with the Division of Emergency Management. At a minimum, ~~the rules must provide for~~ plan components shall provide for that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) The availability, distribution, and posting of reports and records pursuant to s. 400.191 and the Gold Seal Program pursuant to s. 400.235.

(3)(a)1. The agency shall enforce ~~adopt rules providing~~ minimum staffing requirements for nursing home facilities that. ~~These requirements~~ must include, for each facility:

a. A minimum weekly average of certified nursing assistant and licensed nursing staffing combined of 3.6 hours of direct care per resident per day. As used in this sub-subparagraph, a week is defined as Sunday through Saturday.

b. A minimum certified nursing assistant staffing of 2.5 hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.

c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.

2. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants if their job responsibilities include only nursing-assistant-related duties.

3. Each nursing home facility must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public.

4. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants if the nursing home facility otherwise meets the minimum staffing requirements for licensed nurses and the licensed nurses are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. The hours of a licensed nurse with dual job responsibilities may not be counted twice.

(4) ~~Rules developed pursuant to~~ This section does ~~shall~~ not restrict the use of shared staffing and shared programming in facilities that ~~which~~ are part of retirement communities that provide multiple levels of care and otherwise meet the requirement of law or rule.

(5)(a) The agency, in collaboration with the Division of Children's Medical Services of the Department of Health, may establish ~~must adopt rules for~~

~~(a)~~ minimum standards of care for persons under 21 years of age who reside in nursing home facilities. A facility may be exempted from these standards and the requirements of paragraph (b) for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

(b) The following ~~Minimum~~ staffing requirements for persons under 21 years of age who reside in nursing home facilities, ~~which~~ apply in lieu of the requirements contained in subsection (3):

1. For persons under 21 years of age who require skilled care:

a. A minimum combined average of 3.9 hours of direct care per resident per day must be provided by licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants.

b. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day must be provided.

c. No more than 1.5 hours of certified nursing assistant care per resident per day may be counted in determining the minimum direct care hours required.

d. One registered nurse must be on duty on the site 24 hours per day on the unit where children reside.

2. For persons under 21 years of age who are medically fragile:

a. A minimum combined average of 5.0 hours of direct care per resident per day must be provided by licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants.

b. A minimum licensed nursing staffing of 1.7 hours of direct care per resident per day must be provided.

c. No more than 1.5 hours of certified nursing assistant care per resident per day may be counted in determining the minimum direct care hours required.

d. One registered nurse must be on duty on the site 24 hours per day on the unit where children reside.

(7) The agency shall, at least every 15 months, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with the established rules adopted under this part as a basis for assigning a licensure status to that facility. The agency shall base its evaluation on the most recent inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. In addition to license categories authorized under part II of chapter 408, the agency shall assign a licensure status of standard or conditional to each nursing home.

(e) The agency shall adopt rules that:

1. Establish uniform procedures for the evaluation of facilities.

2. Provide criteria in the areas referenced in paragraph (c).

3. Address other areas necessary for carrying out the intent of this section.

(8) The agency shall ensure that ~~adopt rules pursuant to this part and part II of chapter 408 to provide that~~, when the criteria established under subsection (2) are not met, such deficiencies shall be classified according to the nature and

the scope of the deficiency. The scope shall be cited as isolated, patterned, or widespread. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency where more than a very limited number of residents are affected, or more than a very limited number of staff are involved, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents. The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) A class I deficiency is a deficiency that the agency determines presents a situation in which immediate corrective action is necessary because the facility's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility. The condition or practice constituting a class I violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. A class I deficiency is subject to a civil penalty of \$10,000 for an isolated deficiency, \$12,500 for a patterned deficiency, and \$15,000 for a widespread deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last licensure inspection or any inspection or complaint investigation since the last licensure inspection. A fine must be levied notwithstanding the correction of the deficiency.

(b) A class II deficiency is a deficiency that the agency determines has compromised the resident's ability to maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services. A class II deficiency is subject to a civil penalty of \$2,500 for an isolated deficiency, \$5,000 for a patterned deficiency, and \$7,500 for a widespread deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last licensure inspection or any inspection or complaint investigation since the last licensure inspection. A fine shall be levied notwithstanding the correction of the deficiency.

(c) A class III deficiency is a deficiency that the agency determines will result in no more than minimal physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services. A class III deficiency is subject to a civil penalty of \$1,000 for an isolated deficiency, \$2,000 for a patterned deficiency, and \$3,000 for a widespread deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last licensure inspection or any inspection or complaint investigation since the last licensure inspection. A citation for a class III deficiency must specify the time within which the deficiency is required to be corrected. If a class III deficiency is corrected within the time specified, a civil penalty may not be imposed.

(d) A class IV deficiency is a deficiency that the agency determines has the potential for causing no more than a minor negative impact on the resident. If the class IV deficiency is isolated, no plan of correction is required.

Section 5. Paragraph (h) of subsection (2) of section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee.—

(2) In addition to the requirements of part II of chapter 408, the initial applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(h) In the case of an application for initial licensure, documentation of accreditation, or an application for accreditation, from an accrediting organization that is recognized by the agency as having standards comparable to those required by this part and part II of chapter 408. Notwithstanding s. 408.806, an applicant that has applied for accreditation

must provide proof of accreditation that is not conditional or provisional within 120 days after the date of the agency's receipt of the application for licensure or the application shall be withdrawn from further consideration. Such accreditation must be maintained by the home health agency to maintain licensure. The agency shall accept, in lieu of its own periodic licensure survey, the submission of the survey of an accrediting organization that is recognized by the agency if the accreditation of the licensed home health agency is not provisional and if the licensed home health agency authorizes releases of, and the agency receives the report of, the accrediting organization. A home health agency that is not Medicare or Medicaid certified and does not provide skilled nursing care is exempt from this paragraph.

Section 6. Subsection (7) of section 400.474, Florida Statutes, is amended to read:

400.474 Administrative penalties.—

(7) A home health agency shall electronically submit to the agency, ~~within 15 days after the end of each calendar quarter, a written report for each 6-month period ending March 31 and September 30.~~

(a) Each report must include that includes the following data as they existed on the last day of the reporting period quarter:

1.(a) The number of insulin-dependent diabetic patients who receive insulin-injection services from the home health agency.

2.(b) The number of patients who receive both home health services from the home health agency and hospice services.

3.(c) The number of patients who receive home health services from the home health agency.

4.(d) The name and license number of each nurse whose primary job responsibility is to provide home health services to patients and who received remuneration from the home health agency in excess of \$50,000 \$25,000 during the reporting period calendar quarter.

(b) If the home health agency fails to submit the written quarterly report within 15 days after the end of the applicable reporting period each calendar quarter, the agency for Health Care Administration shall impose a fine of \$200 per day against the home health agency in the amount of \$200 per day until the agency for Health Care Administration receives the report, except that the total fine imposed pursuant to this subsection may not exceed \$5,000 per reporting period quarter. A home health agency is exempt from submission of the report and the imposition of the fine if it is not a Medicaid or Medicare provider or if it does not share a controlling interest with a licensee, as defined in s. 408.802, which bills the Florida Medicaid program or the Medicare program.

Section 7. Subsection (7) of section 400.487, Florida Statutes, is amended to read:

400.487 Home health service agreements; physician's, physician assistant's, and advanced registered nurse practitioner's treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.—

(7) Home health agency personnel may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. ~~The agency shall adopt rules providing for the implementation of such orders.~~ Home health personnel and agencies are shall not be subject to criminal prosecution or civil liability and are not, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency.

Section 8. Section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency may shall adopt, ~~publish, and enforce~~ rules to administer implement part II of chapter 408 and this part, including the provider's duties and responsibilities under, as applicable, ss. 400.506 and 400.509. Rules shall specify, but are not limited to, which must provide reasonable and fair minimum standards relating to:

(1) The home health aide competency test and home health aide training. The agency shall create the home health aide competency test and establish the curriculum and instructor qualifications for home health aide training. Licensed home health agencies may provide this training and shall furnish documentation of such training to other licensed home health agencies upon request. Successful passage of the competency test by home health aides may

be substituted for the training required under this section and ~~agency any rule adopted pursuant thereto.~~

(2) Shared staffing. ~~The agency shall allow~~ Shared staffing is allowed if the home health agency is part of a retirement community that provides multiple levels of care, is located on one campus, is licensed under this chapter or chapter 429, and otherwise meets the requirements of law and rule.

(3) The criteria for the frequency of onsite licensure surveys.

(4) Licensure application and renewal.

(5) Oversight by the director of nursing, including. ~~The agency shall develop rules related to:~~

(a) Standards that address oversight responsibilities by the director of nursing for of skilled nursing and personal care services provided by the home health agency's staff;

(b) Requirements for a director of nursing to provide to the agency, upon request, a certified daily report of the home health services provided by a specified direct employee or contracted staff member on behalf of the home health agency. The agency may request a certified daily report for up to only ~~for a period not to exceed 2 years before prior to~~ the date of the request; and

(c) A quality assurance program for home health services provided by the home health agency.

(6) Conditions for using a recent unannounced licensure inspection for the inspection required under ~~in~~ s. 408.806 related to a licensure application associated with a change in ownership of a licensed home health agency.

(7) The requirements for onsite and electronic accessibility of supervisory personnel of home health agencies.

(8) Information to be included in patients' records.

(9) Geographic service areas.

(10) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

~~(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the concurrence of the Department of Health and in consultation with the Division of Emergency Management.~~

~~(a)(b) An emergency plan. The rules must address the requirements in s. 400.492. In addition, the rules shall provide for the maintenance of patient-specific medication lists that can accompany patients who are transported from their homes.~~

~~(b)(e)~~ The plan is subject to review and approval by the county health department. During its review, the county health department shall contact state and local health and medical stakeholders when necessary. The county health department shall complete its review to ensure that the plan is in accordance with the requirements of law ~~criteria in the Agency for Health Care Administration rules~~ within 90 days after receipt of the plan and shall approve the plan or advise the home health agency of necessary revisions. If the home health agency fails to submit a plan or fails to submit the requested information or revisions to the county health department within 30 days after written notification from the county health department, the county health department shall notify the Agency for Health Care Administration. The agency shall notify the home health agency that its failure constitutes a deficiency, subject to a fine of \$5,000 per occurrence. If the plan is not submitted, information is not provided, or revisions are not made as requested, the agency may impose the fine.

~~(c)(d)~~ For any home health agency that operates in more than one county, the Department of Health shall review the plan, after consulting with state and local health and medical stakeholders when necessary. The department shall complete its review within 90 days after receipt of the plan and shall approve the plan or advise the home health agency of necessary revisions. The department shall make every effort to avoid imposing differing requirements on a home health agency that operates in more than one county as a result of differing or conflicting comprehensive plan requirements of the counties in which the home health agency operates.

~~(d)(e)~~ The requirements in this subsection do not apply to:

1. A facility that is certified under chapter 651 and has a licensed home health agency used exclusively by residents of the facility; or

2. A retirement community that consists of both residential units for independent living and ~~either~~ a licensed nursing home or an assisted living facility, and has a licensed home health agency used exclusively by ~~the~~

residents of the retirement community, ~~if provided~~ the comprehensive emergency management plan for the facility or retirement community provides for continuous care of all residents with special needs during an emergency.

Section 9. Paragraph (f) of subsection (12) and subsection (17) of section 400.506, Florida Statutes, are amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(12) Each nurse registry shall prepare and maintain a comprehensive emergency management plan that is consistent with the criteria in this subsection and with the local special needs plan. The plan shall be updated annually. The plan shall include the means by which the nurse registry will continue to provide the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation. The plan shall specify how the nurse registry shall facilitate the provision of continuous care by persons referred for contract to persons who are registered pursuant to s. 252.355 during an emergency that interrupts the provision of care or services in private residences. Nurse registries may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for a provider to reach its clients. Nurse registries shall demonstrate a good faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the nurse registry's comprehensive emergency management plan which support a finding that the provision of continuing care has been attempted for patients identified as needing care by the nurse registry and registered under s. 252.355 in the event of an emergency under this subsection.

~~(f) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the Division of Emergency Management.~~

~~(17) The Agency for Health Care Administration shall adopt rules to implement this section and part II of chapter 408.~~

Section 10. Subsection (7) of section 400.509, Florida Statutes, is amended to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

~~(7) The Agency for Health Care Administration shall adopt rules to administer this section and part II of chapter 408.~~

Section 11. Subsection (8) of section 400.6095, Florida Statutes, is amended to read:

400.6095 Patient admission; assessment; plan of care; discharge; death.—

(8) The hospice care team may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. ~~The department shall adopt rules providing for the implementation of such orders.~~ Hospice staff ~~are shall~~ not be subject to criminal prosecution or civil liability, and are not ~~not~~ be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and applicable rules. The absence of an order to resuscitate executed pursuant to s. 401.45 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation as otherwise permitted by law.

Section 12. Section 400.914, Florida Statutes, is amended to read:

400.914 Rulemaking; Rules establishing standards.—

~~(4)~~ Pursuant to the intention of the Legislature to provide safe and sanitary facilities and healthful programs, the agency in conjunction with the Division of Children's Medical Services of the Department of Health ~~may shall~~ adopt ~~and publish~~ rules to implement the provisions of this part and part II of chapter 408, ~~which shall include reasonable and fair standards.~~ Any conflict between these rules standards and those standards that may be set forth in local, county, or city ordinances shall be resolved in favor of those having statewide effect. The rules shall include, but need not be limited to, reasonable and fair standards relating ~~Such standards shall relate to:~~

~~(1)(a)~~ The assurance that PPEC services are family centered and provide individualized medical, developmental, and family training services.

~~(2)(b)~~ The maintenance of PPEC centers, not in conflict with the provisions of chapter 553 and based upon the size of the structure and

number of children, relating to plumbing, heating, lighting, ventilation, and other building conditions, including adequate space, which will ensure the health, safety, comfort, and protection from fire of the children served.

(c) The appropriate provisions of the most recent edition of the "Life Safety Code" (NFPA-101) shall be applied.

(d) The number and qualifications of all personnel who have responsibility for the care of the children served.

(e) All sanitary conditions within the PPEC center and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, and maintenance thereof, which will ensure the health and comfort of children served.

(f) Programs and basic services promoting and maintaining the health and development of the children served and meeting the training needs of the children's legal guardians.

(g) Supportive, contracted, other operational, and transportation services.

(h) Maintenance of appropriate medical records, data, and information relative to the children and programs. Such records shall be maintained in the facility for inspection by the agency.

~~(2) The agency shall adopt rules to ensure that:~~

~~(a) No child attends a PPEC center for more than 12 hours within a 24-hour period.~~

~~(b) No PPEC center provides services other than those provided to medically or technologically dependent children.~~

Section 13. Paragraph (a) of subsection (20) of section 400.934, Florida Statutes, is created to read:

400.9141 Limitations.—

(1) A child may not attend a PPEC center for more than 12 hours within a 24-hour period.

(2) A PPEC center may only provide those services that are provided to medically or technologically dependent children.

Section 14. Paragraph (a) of subsection (20) of section 400.934, Florida Statutes, is amended to read:

400.934 Minimum standards.—As a requirement of licensure, home medical equipment providers shall:

(20)(a) Prepare and maintain a comprehensive emergency management plan that meets minimum criteria established by agency rule, including the maintenance of patient equipment and supply lists that can accompany patients who are transported from their homes. Such rules shall be formulated in consultation with the Department of Health and the Division of Emergency Management under s. 400.935. The plan shall be updated annually and shall provide for continuing home medical equipment services for life-supporting or life-sustaining equipment, as defined in s. 400.925, during an emergency that interrupts home medical equipment services in a patient's home. The plan shall include:

1. The means by which the home medical equipment provider will continue to provide equipment to perform the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation.

2. The means by which the home medical equipment provider establishes and maintains an effective response to emergencies and disasters, including plans for:

a. Notification of staff when emergency response measures are initiated.

b. Communication between staff members, county health departments, and local emergency management agencies, which includes provisions for a backup communications system.

c. Identification of resources necessary to continue essential care or services or referrals to other organizations subject to written agreement.

d. Contacting and prioritizing patients in need of continued medical equipment services and supplies.

Section 15. Section 400.935, Florida Statutes, is amended to read:

400.935 Rulemaking authority. Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules necessary to implement this part and part II of chapter 408, which must provide reasonable and fair minimum standards relating to:

(1) The qualifications and minimum training requirements of all home medical equipment provider personnel.

(2) Financial ability to operate.

(3) The administration of the home medical equipment provider.

~~(4) Procedures for maintaining patient records.~~

~~(3)(5) Ensuring that the home medical equipment and services provided by a home medical equipment provider are in accordance with the plan of treatment established for each patient, when provided as a part of a plan of treatment.~~

~~(4)(6) Contractual arrangements for the provision of home medical equipment and services by providers not employed by the home medical equipment provider providing for the consumer's needs.~~

~~(5)(7) Physical location and zoning requirements.~~

~~(6)(8) Home medical equipment requiring home medical equipment services.~~

~~(9) Preparation of the comprehensive emergency management plan under s. 400.934 and the establishment of minimum criteria for the plan, including the maintenance of patient equipment and supply lists that can accompany patients who are transported from their homes. Such rules shall be formulated in consultation with the Department of Health and the Division of Emergency Management.~~

Section 16. Subsection (5) of section 400.962, Florida Statutes, is amended to read:

400.962 License required; license application.—

(5) The applicant must agree to provide or arrange for active treatment services by an interdisciplinary team to maximize individual independence or prevent regression or loss of functional status. Standards for active treatment shall be adopted by the Agency for Health Care Administration by rule pursuant to ss. 120.536(1) and 120.54. Active treatment services shall be provided in accordance with the individual support plan and shall be reimbursed as part of the per diem rate as paid under the Medicaid program.

Section 17. Subsections (2) and (3) of section 400.967, Florida Statutes, are amended to read:

400.967 Rules and classification of deficiencies.—

(2) ~~Pursuant to the intention of the Legislature,~~ The agency, in consultation with the Agency for Persons with Disabilities and the Department of Elderly Affairs, ~~may shall adopt and enforce~~ rules necessary to administer this part and part II of chapter 408, which ~~may shall~~ include ~~reasonable and fair~~ criteria governing:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions that ensure the health, safety, and comfort of residents. The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 2000, are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be self-supporting during and immediately following disasters. The agency shall update or revise the criteria as the need arises. All facilities must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency ~~may prescribe the shall adopt fair and reasonable rules setting forth~~ conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs are required to comply with the most recent updated or revised standards.

(b) The number and qualifications of all personnel, including management, medical nursing, and other personnel, having responsibility for any part of the care given to residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof.

(g) The preparation and annual update of a comprehensive emergency management plan. After consultation with the Division of Emergency Management, the agency may establish shall adopt rules establishing minimum criteria for the plan after consultation with the Division of Emergency Management. At a minimum, the rules must provide for plan

components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the Division of Emergency Management. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) The use of restraint and seclusion. Such rules must be consistent with recognized best practices; prohibit inherently dangerous restraint or seclusion procedures; establish limitations on the use and duration of restraint and seclusion; establish measures to ensure the safety of clients and staff during an incident of restraint or seclusion; establish procedures for staff to follow before, during, and after incidents of restraint or seclusion, including individualized plans for the use of restraints or seclusion in emergency situations; establish professional qualifications of and training for staff who may order or be engaged in the use of restraint or seclusion; establish requirements for facility data collection and reporting relating to the use of restraint and seclusion; and establish procedures relating to the documentation of the use of restraint or seclusion in the client's facility or program record.

(3) ~~The agency shall adopt rules to provide that~~ When the criteria established under this part and part II of chapter 408 are not met, such deficiencies shall be classified according to the nature of the deficiency. The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) Class I deficiencies are those which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical harm would result therefrom. The condition or practice constituting a class I violation must be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. A class I deficiency is subject to a civil penalty in an amount not less than \$5,000 and not exceeding \$10,000 for each deficiency. A fine may be levied notwithstanding the correction of the deficiency.

(b) Class II deficiencies are those which the agency determines have a direct or immediate relationship to the health, safety, or security of the facility residents, other than class I deficiencies. A class II deficiency is subject to a civil penalty in an amount not less than \$1,000 and not exceeding \$5,000 for each deficiency. A citation for a class II deficiency shall specify the time within which the deficiency must be corrected. If a class II deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(c) Class III deficiencies are those which the agency determines to have an indirect or potential relationship to the health, safety, or security of the facility residents, other than class I or class II deficiencies. A class III deficiency is subject to a civil penalty of not less than \$500 and not exceeding \$1,000 for each deficiency. A citation for a class III deficiency shall specify the time within which the deficiency must be corrected. If a class III deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

Section 18. Subsection (2) of section 400.980, Florida Statutes, is amended to read:

400.980 Health care services pools.—

(2) The requirements of part II of chapter 408 apply to the provision of services that require licensure or registration pursuant to this part and part II of chapter 408 and to entities registered by or applying for such registration from the agency pursuant to this part. Registration or a license issued by the agency is required for the operation of a health care services pool in this state. In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted using this part, part II of chapter 408, and

applicable rules. The agency shall ~~adopt rules and~~ provide forms required for such registration and shall impose a registration fee in an amount sufficient to cover the cost of administering this part and part II of chapter 408. In addition to the requirements in part II of chapter 408, the registrant must provide the agency with any change of information contained on the original registration application within 14 days prior to the change.

Section 19. Subsection (43) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(43) Subject to the availability of funds, the agency shall mandate a recipient's participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of not less than 1 year. The lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the

recipient in a hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. ~~The agency shall adopt any rules necessary to comply with or administer this subsection.~~ This subsection expires October 1, 2014.

Section 20. Paragraph (e) of subsection (2) of section 409.972, Florida Statutes, is amended to read:

409.972 Mandatory and voluntary enrollment.—

(2) The following Medicaid-eligible persons are exempt from mandatory managed care enrollment required by s. 409.965, and may voluntarily choose to participate in the managed medical assistance program:

(e) Medicaid recipients enrolled in the home and community based services waiver pursuant to chapter 393, ~~and Medicaid recipients waiting for waiver services, and Medicaid recipients under the age of 21 who are not receiving waiver services but are authorized by the Agency for Persons with Disabilities or the Department of Children and Families to reside in a group home facility licensed pursuant to chapter 393.~~

Section 21. Subsections (4) and (5) of section 429.255, Florida Statutes, are amended to read:

429.255 Use of personnel; emergency care.—

(4) Facility staff may withhold or withdraw cardiopulmonary resuscitation or the use of an automated external defibrillator if presented with an order not to resuscitate executed pursuant to s. 401.45. ~~The department shall adopt rules providing for the implementation of such orders.~~ Facility staff and facilities are ~~shall not be~~ subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation or use of an automated external defibrillator pursuant to such an order and rules adopted by the department. The absence of an order to resuscitate executed pursuant to s. 401.45 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or use of an automated external defibrillator as otherwise permitted by law.

(5) The Department of Elderly Affairs may adopt rules to implement the provisions of this section ~~relating to use of an automated external defibrillator.~~

Section 22. Subsection (3) of section 429.73, Florida Statutes, is amended to read:

429.73 Rules and standards relating to adult family-care homes.—

(3) ~~The department shall adopt rules providing for the implementation of orders not to resuscitate.~~ The provider may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. The provider ~~is shall not be~~ subject to criminal prosecution or civil liability, nor ~~be~~ considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and applicable rules.

Section 23. Subsection (10) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(10) RULES.—~~The Agency for Health Care Administration shall adopt rules~~ Pursuant to s. 112.0455, part II of chapter 408, and using criteria established by the United States Department of Health and Human Services, the agency shall adopt rules as necessary to establish as general guidelines for modeling drug-free workplace laboratories, concerning, but not limited to:

(a) Standards for licensing drug-testing laboratories and suspension and revocation of such licenses.

(b) Urine, hair, blood, and other body specimens and minimum specimen amounts that are appropriate for drug testing.

(c) Methods of analysis and procedures to ensure reliable drug-testing results, including standards for initial tests and confirmation tests.

(d) Minimum cutoff detection levels for each drug or metabolites of such drug for the purposes of determining a positive test result.

(e) Chain-of-custody procedures to ensure proper identification, labeling, and handling of specimens tested.

(f) Retention, storage, and transportation procedures to ensure reliable results on confirmation tests and retests.

Section 24. Subsection (2) of section 483.245, Florida Statutes, is amended to read:

483.245 Rebates prohibited; penalties.—

(2) The agency may establish and ~~shall adopt rules that~~ assess administrative penalties for acts prohibited by subsection (1). In the case of an entity licensed by the agency, such penalties may include any disciplinary action available to the agency under the appropriate licensing laws. In the case of an entity not licensed by the agency, such penalties may include:

(a) A fine not to exceed \$1,000.;

(b) If applicable, a recommendation by the agency to the appropriate licensing board that disciplinary action be taken.

Section 25. Subsection (2) of section 765.541, Florida Statutes, is amended to read:

765.541 Certification of procurement organizations; agency responsibilities.—The agency shall:

(2) Adopt rules necessary to implement that set forth appropriate standards and guidelines for the program in accordance with ss. 765.541-765.546 and part II of chapter 408. ~~These~~ Standards and guidelines for the program adopted by the agency must be substantially based on the ~~existing~~ laws of the Federal Government and this state and the ~~existing~~ standards and guidelines, consistent with the requirements of ss. 765.541-765.546, of one or more nationally recognized accreditation organizations or a federally regulated network determined by the agency to possess reasonable expertise in organ procurement, the United Network for Organ Sharing (UNOS), the American Association of Tissue Banks (AATB), the South Eastern Organ Procurement Foundation (SEOPF), the North American Transplant Coordinators Organization (NATCO), and the Eye Bank Association of America (EBAA). ~~In addition, the agency shall, before adopting these standards and guidelines, seek input from all procurement organizations based in this state.~~

Section 26. Subsection (2) of section 765.544, Florida Statutes, is amended to read:

765.544 Fees; organ and tissue donor education and procurement.—

~~(2) The agency shall specify by rule the administrative penalties for the purpose of ensuring adherence to the standards of quality and practice required by this chapter, part II of chapter 408, and applicable rules of the agency for continued certification.~~

Section 27. This act shall take effect July 1, 2014.

## TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to health care services rulemaking; amending s. 390.012, F.S.; revising rulemaking authority relating to the operation of certain abortion clinics; amending s. 400.021, F.S.; revising the definition of the term "nursing home bed" to remove rulemaking authority for determining minimum space requirements for nursing home beds; amending s. 400.0712, F.S.; removing rulemaking authority relating to inactive nursing home facility licenses; amending s. 400.23, F.S.; revising general rulemaking authority relating to nursing homes and certain health care providers; amending s. 400.471, F.S.; exempting certain home health agencies from requirements relating to documentation of accreditation; amending s. 400.474, F.S.; revising reporting requirements to be submitted to the Agency for Health Care Administration by home health agencies; revising entities that are not required to submit the report; amending s. 400.487, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to home health agency personnel; amending s. 400.497, F.S.; revising rulemaking authority relating to the Home Health Services Act; amending s. 400.506, F.S.; removing rulemaking authority relating to the licensure of nurse registries and the establishment of certain emergency management plans; amending s. 400.509, F.S.; removing rulemaking authority relating to registration of certain companion services and homemaker services; amending s. 400.6095, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to a hospice care team; amending s. 400.914, F.S.; revising rulemaking authority relating to standards for prescribed pediatric extended care (PPEC) centers; removing rulemaking authority relating to certain limitations on PPEC centers; creating s. 400.9141, F.S.; providing limitations on PPEC centers; amending s. 400.934, F.S.; revising rulemaking authority relating to the preparation of emergency managements plans by

home medical equipment providers; amending s. 400.935, F.S.; revising rulemaking authority relating to minimum standards for home medical equipment providers; amending s. 400.962, F.S.; removing rulemaking authority relating to certain standards for active treatment by intermediate care facilities for the developmentally disabled; amending s. 400.967, F.S.; revising rulemaking authority relating to the construction of, the preparation of emergency management plans by, and the classification of deficiencies of intermediate care facilities for the developmentally disabled; amending s. 400.980, F.S.; removing rulemaking authority relating to the registration of health care services pools; amending s. 409.912, F.S.; removing rulemaking authority relating to Medicaid provider lock-in programs; amending s. 409.972, F.S.; revising Medicaid-eligible persons exempt from mandatory managed care enrollment; amending s. 429.255, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to assisted living facility staff and the use of automated external defibrillators; amending s. 429.73, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to adult family-care home providers; amending s. 440.102, F.S.; removing rulemaking authority relating to certain guidelines for drug-free workplace laboratories; amending s. 483.245, F.S.; revising rulemaking authority relating to the imposition of certain administrative penalties against clinical laboratories; amending s. 765.541, F.S.; revising rulemaking authority relating to standards and guidelines for certain organ donation programs; revising provisions relating to organ procurement programs; amending s. 765.544, F.S.; removing rulemaking authority relating to administrative penalties for violations with respect to organ and tissue donations; providing an effective date.

Rep. Hutson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

### Motion to Adjourn

Rep. Crisafulli moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 10:30 a.m., Friday, April 25, 2014, or upon call of the Chair. The motion was agreed to.

### Messages from the Senate

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 23.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 59.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has adopted CS for HM 261.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 405.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 415, by the required Constitutional two-thirds vote of all members present and voting.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 513.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 627.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 713.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 757.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 650, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committees on Governmental Oversight and Accountability; and Judiciary—

**CS for SB 650**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 733.604, F.S., which provides exemptions from public records requirements for the inventories of an estate or elective estate filed with the clerk of court or the accountings filed with the clerk of court in an estate proceeding; saving the exemptions from



repeal under the Open Government Sunset Review Act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 754, as amended, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committees on Transportation; and Banking and Insurance; and Senator Bradley—

**CS for CS for SB 754**—A bill to be entitled An act relating to certificates of title; amending s. 319.23, F.S.; revising the required statement that is stamped on a certificate of title upon issuance of the certificate; requiring the department to provide a report regarding certificates of title for rebuilt motor vehicles; amending s. 319.30, F.S.; defining a term; revising requirements for the department to declare certain mobile homes and motor vehicles unrebuildable and to issue a certificate of destruction; requiring an owner of, or an insurance company for, a motor vehicle that is worth less than a specified amount or is above a certain age to obtain a certificate of destruction under certain circumstances; providing a criminal penalty; amending s. 860.146, F.S.; defining terms and redefining the term “fake airbag”; prohibiting the import, manufacture, offering for sale, or reinstallation of fake airbags; providing a criminal penalty; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 820, as amended, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committees on Community Affairs; and Transportation; and Senator Bullard—

**CS for CS for SB 820**—A bill to be entitled An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 1108, by the required Constitutional two-thirds vote of all members present and voting, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committee on Community Affairs—

**SB 1108**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to an exemption from public record requirements for personal identifying information of certain dependent children of current or former agency

officers or employees; making an editorial change; removing the scheduled repeal of the exemption; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 1262, by the required Constitutional two-thirds vote of all members present and voting, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By Senator Brandes—

**SB 1262**—A bill to be entitled An act relating to public records and meetings; amending s. 627.0628, F.S.; providing an exemption from public records and public meetings requirements for trade secrets used to design an insurance flood loss model held in records or discussed in meetings of the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or the appointed consumer advocate; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1278, as amended, by the required Constitutional two-thirds vote of all members present and voting, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committees on Governmental Oversight and Accountability; and Banking and Insurance; and Senator Richter—

**CS for CS for SB 1278**—A bill to be entitled An act relating to public records; amending s. 655.057, F.S.; providing an exemption from public records requirements for certain informal enforcement actions by the Office of Financial Regulation, to which penalties apply for willful disclosure of such confidential information; providing an exemption from public records requirements for certain trade secrets held by the office, to which penalties apply for willful disclosure of such confidential information; defining terms; providing for future legislative review and repeal of the section; providing a statement of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 1678, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committee on Governmental Oversight and Accountability—

**SB 1678**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for social security numbers of current and former agency employees held by an employing agency; saving

the exemption from repeal under the Open Government Sunset Review Act; authorizing an employing agency to disclose the social security number of a current or former agency employee under certain circumstances; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

#### Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Caldwell:

Yeas—April 23: 672

Rep. Campbell:

Nays to Yeas—April 23: 646

Rep. J. Diaz:

Nays—March 20: 484

Yeas—March 20: 483

Rep. Gaetz:

Nays to Yeas—April 23: 647

Rep. Hill:

Yeas—April 2: 539; April 23: 661, 662, 664, 665

Rep. Nelson:

Yeas—April 23: 659, 660, 661

Rep. Raulerson:

Nays—April 9: 563, 564

Rep. Stewart:

Yeas—April 23: 655

Rep. Zimmermann:

Yeas—April 23: 672

#### Cosponsors

CS/HB 225—Campbell, McGhee, Pritchett

CS/CS/HB 479—Campbell, McGhee

CS/CS/CS/HB 573—Perry

CS/CS/HB 709—Combee, Hood, Magar, Metz, Rehwinkel Vasilinda, Renuart, R. Rodrigues, Van Zant, Wood

CS/HB 1065—Peters, C. Watson

HB 5601—Gaetz

CS/CS/HB 7055—Pritchett, Raschein

CS/HB 7095—Campbell, Taylor

CS/CS/HB 7141—McBurney, Metz, Rangel

HR 9077—Hood

#### Withdrawals as Cosponsor

CS/CS/HB 569—Campbell

#### House Resolutions Adopted by Publication

At the request of Rep. Richardson—

**HR 9065**—A resolution congratulating the Miami Heat Basketball Team for winning its third National Basketball Association Championship.

WHEREAS, on June 20, 2013, the Miami Heat won its third National Basketball Association (NBA) Championship by defeating the San Antonio Spurs at Miami, with a score of 95-88, in the seventh game of the NBA Finals, and

WHEREAS, former Head Coach and current team president Pat Riley led the team to its first championship in 2006, and current Head Coach Erik Spoelstra led the team to back-to-back championships in 2012 and 2013, and

WHEREAS, the Miami Heat entered the NBA as an expansion franchise in the 1988-1989 season and has since won three NBA Championships, four Eastern Conference Championships, and ten division titles and has made a total of 17 playoff appearances, and

WHEREAS, under the exemplary leadership of its coaching staff, the Miami Heat, including LeBron James, Dwayne Wade, Chris Bosh, Ray Allen, Chris Andersen, Joel Anthony, Shane Battier, Mario Chalmers, Norris Cole, Udonis Haslem, Juwan Howard, James Jones, Rashard Lewis, Mike Miller, and Jarvis Varnado, united to form the 2013 championship team, and

WHEREAS, the Miami Heat's contributions extend well beyond the basketball court, as the organization has grown to become an integral part of the South Florida community through its public service efforts, including the NBA's Read to Achieve program, support for Miami-Dade's adult wheelchair basketball team, and the Shoot for the Stars program targeting youth education, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That it is with great honor that the Miami Heat 2013 Basketball Team is saluted and recognized for winning its third National Basketball Association Championship and for the numerous accomplishments of its players, coaches, and owner Micky Arison.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Campbell—

**HR 9099**—A resolution recognizing the 82nd anniversary of Miami Shores Village.

WHEREAS, in the 19th century, the founding settlers of what would eventually be known as Miami Shores Village came to the area, naming it Biscayne in the early 1870s, and

WHEREAS, although growth waxed and waned, activity in the area steadily increased upon completion of its first road in 1892, aiding commerce and giving rise to starch and saw mills, a tomato packing plant, a grapefruit grove, and a pineapple plantation, and

WHEREAS, in 1924, the Shoreland Company purchased various land holdings in the area and officially renamed the area Miami Shores, and

WHEREAS, on January 2, 1932, the Florida Legislature and the Village Council of Miami Shores made Miami Shores Village an official municipality, and

WHEREAS, growth was sporadic in the 1930s because of the Great Depression and ceased altogether during World War II, but construction boomed after the war's end, introducing an engaging mix of residential architecture, and

WHEREAS, the majority of important community structures in Miami Shores Village were completed during the post-war period, including the country club, the community center, Village Hall, and the Brockway Memorial Library, and

WHEREAS, today, Miami Shores Village, also known as "the Village Beautiful," has a population of 10,493 and is a modern residential community with an active civic life and a responsive local government, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Miami Shores Village and Mayor Herta Holly, Vice Mayor Jesse Walters, and Councilmembers Hunt Davis, Ivonne Ledesma, and Jim McCoy are recognized on the occasion of the village's 82nd anniversary.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Renuart—

**HR 9103**—A resolution recognizing the 160th anniversary of the Duval County Medical Society.

WHEREAS, founded in 1853 and the oldest medical society in Florida, the Duval County Medical Society serves the people of Duval County and the surrounding areas, and

WHEREAS, the Duval County Medical Society is a voluntary, nonprofit association of more than 2,000 physicians who strive to ensure the health of the people of Jacksonville and Duval County, and

WHEREAS, the Duval County Medical Society achieves its mission of "helping physicians care for the health of our community" by practicing its core values of education, advocacy, health care quality, and operational excellence, reflecting the society's passion for improving the overall health of North Florida, and

WHEREAS, May 25, 2013, marked the 160th anniversary of the founding of the Duval County Medical Society, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Duval County Medical Society is congratulated on its 160th anniversary, commended on its dedication to the health of the people of Jacksonville and Duval County, and wished much success in all of its future endeavors.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Campbell—

**HR 9105**—A resolution recognizing the 88th anniversary of the City of North Miami.

WHEREAS, the City of North Miami was originally settled in 1891 as the Town of Arch Creek and incorporated by 38 out of 47 voters on February 5, 1926, was reincorporated as the Town of North Miami on July 24, 1931, and was renamed the City of North Miami on May 27, 1953, and

WHEREAS, with a current population of more than 60,000 residents, including an active Haitian American population, the City of North Miami is the sixth-largest municipality in Miami-Dade County, and

WHEREAS, the City of North Miami offers citizens numerous cultural, educational, and recreational opportunities, including the Museum of Contemporary Art, the state's largest urban park, institutions of higher education, and year-round athletic, recreation, and nature programs, and

WHEREAS, in 2010, the City of North Miami was designated as an All-America City for its ability to address serious challenges with innovative, grassroots strategies that promote civic engagement and cooperation between the public, private, and nonprofit sectors, and

WHEREAS, February 5, 2014, marks the 88th anniversary of the incorporation of the City of North Miami, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the City of North Miami and Mayor Lucie M. Tondreau and Councilmembers Philippe Bien-Aime, Scott Galvin, Carol Keys, Esq., and Marie Erlande Steril are recognized on the occasion of the city's 88th anniversary.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Ray—

**HR 9111**—A resolution expressing appreciation for the sister-state relationship between the State of Florida and the Republic of China (Taiwan).

WHEREAS, Florida maintains and values its sister-state relationship with the Republic of China (Taiwan), and

WHEREAS, April 10, 2014, marks the 35th anniversary of the enactment of the Taiwan Relations Act, codifying in law the basis for continued commercial and cultural relations between the United States and the Republic of China (Taiwan), and

WHEREAS, the Republic of China (Taiwan) is Florida's eighth largest export market in Asia, Miami's fourth largest trade partner in Asia, and the Port of Miami's sixth largest export country, and

WHEREAS, sisterhood relationships exist between the State of Florida and the Republic of China (Taiwan), Miami-Dade County and New Taipei City (formerly Taipei County), and the Port of Miami and Port Kaohsiung, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives expresses its appreciation for the sister-state relationship between the State of Florida and the Republic of China (Taiwan).

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Taipei Economic and Cultural Office in Miami and the Office of the Governor of the State of Florida as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. La Rosa—

**HR 9125**—A resolution designating Saturday, July 26, 2014, as the "Day of the Cowboy" in the State of Florida.

WHEREAS, Florida has the oldest and longest history of cattle ranching in the nation, which began in 1521 when Ponce de Leon first introduced cattle on his second voyage that landed near Ft. Myers, and

WHEREAS, Florida's cattle industry is among the 15 largest in the United States, and

WHEREAS, the state's cattle industry and its pioneering men and women known as cowboys have contributed to the state's growth and stewardship of natural resources, with many ranches maintained over several generations, and

WHEREAS, that cowboy spirit infuses the state with its solid character, sound family values, and good common sense, and

WHEREAS, the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism, and

WHEREAS, cowboys love, live off of, and depend on the land and its creatures and are excellent stewards of the environment, and

WHEREAS, the cowboy continues to play a significant role in our culture and economy and is an American icon whose recognition acknowledges America's ongoing commitment to an esteemed and enduring code of conduct, and

WHEREAS, the United States Congress has declared the National Day of the Cowboy in years past to celebrate the contribution of the cowboy to America's heritage and culture, and

WHEREAS, the ongoing contributions made by cowboys to our state should be honored and commended as well, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Saturday, July 26, 2014, is designated as the "Day of the Cowboy" in the State of Florida.

—was read and adopted by publication pursuant to Rule 10.17.

### Excused

Reps. O'Toole (afternoon), Thurston

The following Conference Committee Managers were excused in order to conduct business with their Senate counterparts: HB 5001, HB 5003, HB 5005, HB 5007 to serve with Rep. McKeel, Chair, and Rep. Crisafulli; Managers-at-Large: Reps. Baxley, Coley, Gibbons, Gonzalez, Holder, M. Jones, O'Toole, Rouson, Schenck, Thurston, Waldman, A. Williams, Workman, and Young; HB 5501, House Agriculture & Natural Resources/Senate General Government—Rep. Albritton, Chair, and Reps. Boyd, Broxson, Eisnagle, S. Jones, Moraitis, Pafford, Raschein, Smith, Spano, Stewart, and C. Watson; HB 5101, House Education/Senate Education—Rep. Fresen, Chair, and Reps. Adkins, Ahern, Castor Dentel, Clarke-Reed, Fitzenhagen, Nuñez, Perry, Raburn, Reed, Stone, and Taylor; HB 5403, House Governmental Operations/Senate General

Government—Rep. Ingram, Chair, and Reps. Antone, Danish, Harrell, Hutson, Nelson, Peters, Renuart, R. Rodrigues, and Saunders; HB 5201 and HB 5203, House Health Care/Senate Health and Human Services—Rep. Hudson, Chair, and Reps. Combee, Cruz, J. Diaz, Gaetz, Hill, Magar, Murphy, Pigman, Richardson, and Wood; HB 5301, HB 5303, and SB 2510, House Justice/Senate Criminal and Civil Justice—Rep. McBurney, Chair, and Reps. Campbell, Cummings, Dudley, Grant, M. Jones, Kerner, La Rosa, Mayfield, Metz, and Pilon; SB 2514, House Transportation & Economic Development/Senate Transportation, Tourism and Economic Development—Rep. Hooper, Chair, and Reps. Artiles, Bracy, Caldwell, Fullwood, Goodson, Passidomo, Powell, Raulerson, Ray, and Rogers; Managers-at-Large: Reps. Baxley, Coley, Gibbons, Gonzalez, Holder, M. Jones, O'Toole, Rouson, Schenck, Thurston, Waldman, A. Williams, Workman, and Young.

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 7:47 p.m., to reconvene at 10:30 a.m., Friday, April 25, 2014, or upon call of the Chair.

## CHAMBER ACTIONS ON BILLS

Thursday, April 24, 2014

HB	117	— Read 2nd time; Placed on 3rd reading	CS/HB	1065	— Read 2nd time; Placed on 3rd reading
CS/HB	227	— Read 2nd time; Placed on 3rd reading	CS/CS/HB	1089	— Read 2nd time; Amendment 294697 adopted; Placed on 3rd reading
CS for CS for SB	248	— Temporarily postponed, on 2nd Reading	CS/CS/HB	1109	— Temporarily postponed, on 2nd Reading
CS/HB	323	— Read 2nd time; Amendment 283069 adopted; Amendment 884707 Failed; Amendment 707241 adopted; Amendment 629383 adopted as amended; Placed on 3rd reading	CS/CS/HB	1131	— Read 2nd time; Placed on 3rd reading
CS/CS/HB	343	— Read 2nd time; Amendment 828717 adopted; Placed on 3rd reading	CS/CS/HB	1179	— Read 2nd time; Placed on 3rd reading
CS/CS/HB	479	— Read 3rd time; Amendment 135649 adopted; CS passed as amended; YEAS 117, NAYS 1	CS/CS/HB	1363	— Read 2nd time; Placed on 3rd reading
CS/CS/CS/HB	487	— Read 2nd time; Placed on 3rd reading	HB	3519	— Read 2nd time; Placed on 3rd reading
CS/HB	515	— Read 2nd time; Placed on 3rd reading	HB	3529	— Read 2nd time; Placed on 3rd reading
CS/CS/HB	561	— Read 3rd time; Amendment 220335 adopted; CS passed as amended; YEAS 118, NAYS 0	CS/HB	3531	— Read 2nd time; Placed on 3rd reading
CS/CS/CS/HB	573	— Read 2nd time; Amendment 687519 Failed; Amendment 479685 adopted; Placed on 3rd reading	CS/HB	7023	— Read 3rd time; CS passed as amended; YEAS 104, NAYS 13
CS/CS/HB	773	— Read 3rd time; CS passed as amended; YEAS 118, NAYS 0	CS/CS/HB	7037	— Read 2nd time; Amendment 133925 adopted; Amendment 346035 adopted as amended; Amendment 180789 Failed; Amendment 831299 adopted; Placed on 3rd reading
CS/CS/CS/HB	775	— Read 3rd time; CS passed; YEAS 105, NAYS 12	CS/CS/HB	7051	— Read 2nd time; Amendment 376327 adopted; Placed on 3rd reading
CS/CS/HB	791	— Read 3rd time; CS passed as amended; YEAS 117, NAYS 0	CS/CS/HB	7055	— Read 2nd time; Placed on 3rd reading
CS/CS/HB	797	— Read 2nd time; Placed on 3rd reading	CS/HB	7095	— Read 2nd time; Amendment 552287 adopted; Amendment 326865 adopted; Placed on 3rd reading
HB	799	— Read 2nd time; Placed on 3rd reading	CS/HB	7105	— Read 2nd time; Amendment 612215 adopted; Placed on 3rd reading
CS/CS/CS/HB	807	— Read 2nd time; Amendment 367497 adopted; Amendment 615951 adopted; Amendment 682805 adopted; Amendment 102057 adopted as amended; Amendment 828553 adopted; Placed on 3rd reading	CS/CS/HB	7113	— Read 2nd time; Amendment 805503 adopted; Amendment 041653 adopted; Amendment 735717 Failed; Amendment 299783 adopted; Amendment 163101 Failed; Amendment 000319 adopted; Amendment 024583 adopted; Amendment 190285 adopted as amended; Amendment 334445 adopted; Placed on 3rd reading
CS/CS/HB	811	— Read 2nd time; Amendment 488239 adopted; Placed on 3rd reading	CS/HB	7147	— Read 2nd time; Amendment 969103 Failed; Amendment 287969 adopted; Amendment 070707 Failed; Amendment 385125 adopted; Placed on 3rd reading
CS/CS/CS/HB	819	— Read 2nd time; Amendment 432225 adopted; Placed on 3rd reading	CS/HB	7157	— Read 2nd time; Placed on 3rd reading
CS/HB	863	— Read 2nd time; Placed on 3rd reading	HB	7171	— Read 2nd time; Amendment 561291 adopted; Placed on 3rd reading
CS/CS/CS/HB	865	— Read 2nd time; Placed on 3rd reading	HB	7175	— Read 3rd time; Passed; YEAS 118, NAYS 0
CS/CS/CS/HB	989	— Read 2nd time; Amendment 792135 adopted; Amendment 881881 adopted; Placed on 3rd reading	HB	7181	— Read 2nd time; Amendment 052763 adopted; Placed on 3rd reading
CS/CS/HB	1053	— Read 2nd time; Placed on 3rd reading			



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